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brought the science of chemistry to Western Europe, 800 years ago. Of this remarkable man's origin little is known except that he was probably born in Rutland. He was certainly educated at the then

flourishing school at Chester, after which, following the custom of the times, he studied at the Moorish universities in Spain. The Moors or Arabs were the world's leading scientists at that period. On February 11th, 1144, Robert completed the translation into Latin of an Arabic treatise on chemistry. This was Europe's first chemical textbook.

No doubt he also brought with him from Spain one of the flowing Arab robes which, as the "gown" of British universities, still serves to remind us that a close bond once linked the scholars of East and West. He could no more have dreamed of the place this garment was to occupy in later years than he could have imagined the future of another Arabic treatise he translated. This was a work by a celebrated mathematician, Khwarizmi, on a branch of mathematics developed by the Arabs and still known to us by its Arabic name, algebra. Besides his extensive works in mathematics, Robert made the first translation of the Koran. Europe owes an immeasurable debt to this Englishman. But for him, the knowledge of the East of chemistry and mathematics might have remained a closed book to the Western world for centuries afterwards.





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Spring 1948



Vol. I No. 2

# PARLIAMENTARY AFFAIRS

JOURNAL OF THE HANSARD SOCIETY

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## HANSARD SOCIETY NEWS

by STEPHEN KING-HALL  
(Chairman of the Council and Honorary Director)

**P**ARLIAMENTARY AFFAIRS is the Journal of the Hansard Society, and, therefore, it is proper that each issue should contain information about the progress of the Society.

As a rule, such news is pushed to the back of journals of Societies, and small wonder, for it usually consists of dreary statistics, livened up by the information that "Miss Jones has retired after serving the Society for forty-five years, and was presented by the Staff and Council with a suitably inscribed silver inkpot and a cheque. We wish her happiness in her well-earned retirement."

News about your Society is exciting because we are doing exciting work. There was never a time in living memory when work on behalf of parliamentary institutions was more to the point. The Hansard Society is leading a crusade. The operational area is the world; the enemy is the ignorance, apathy, and (sometimes) the malice of man; our purpose is to encourage and strengthen the desire of man for that free way of life for which parliamentary institutions are indispensable instruments.

This journal is one of the tools with which we must do our job. Therefore, I record that the Prime Minister wrote: "I have read with great interest the first issue of *Parliamentary Affairs* and I send the Hansard Society good wishes for this enterprising development of its activities."

The Rt. Hon. Winston Churchill (then at Marrakesh) wrote: "I would like to congratulate you on the high quality of the new journal of the Hansard Society."

To these tributes I add the following from the Rt. Hon. Clement Davies: "My warmest congratulations. No. 1 of Vol. I of *Parliamentary Affairs* is excellent, with its papers not only on

our own Parliament and the French Parliament, but going so far afield as the Pacific Islands.

"What a treasure-house of information on democratic institutions and their workings this first volume will be when it is completed."

Our first issue was well received by the Press, and here are some examples of what was written about us:

*The Times Educational Supplement*: "The first number of *Parliamentary Affairs* is an excellent compilation. The range of subjects is wide, there being a welcome determination to avoid parochialism by the publication of articles on parliamentary institutions oversea."

*The Listener*: "The Society now publishes a quarterly journal called *Parliamentary Affairs*, the first number of which we take pleasure in welcoming."

*The Tailor*: "It is a serious periodical devoted to all aspects of the institution of Parliament, and it is moreover the only publication in our language to deal exclusively and authoritatively with our legislation as beaten out in the House."

*The Times Literary Supplement*: "With the publication of its own journal, the Society takes another step forward."

*The Friend*: "This first number contains some most interesting articles. . . . One may take this opportunity of urging the value and importance of the Hansard Society."

*The Methodist Recorder*: "The publication of the first issue of *Parliamentary Affairs*, the journal of the Hansard Society, is an event of some significance, for it is the first time a serious quarterly, exclusively devoted to all aspects of the institution of Parliament, has been published in the English language."

*Humphreys*: "Much of learning and of interest to a student of parliamentary affairs is to be found in these well-printed pages."

*The Woman Teacher*: ". . . cannot fail to quicken the interest of those readers who already have some experience of the working of the British Houses of Parliament, and should arouse the interest of others to whom Parliament seems to be some remote institution with strange habits."

The journal also received friendly notice in the *Glasgow Herald*, the *Nottingham Guardian*, the *South Wales Echo*, the *Liverpool Post*, the *World's Press News*, the *Cambridge Daily News*, the *National Newsagent*, *The Tablet*, *The News and Book Trade Review* and a number of other publications.

All this is very satisfactory, but no reason for complacency. We want to develop a certain demand on the bookstalls for this journal, and I hope that every member of the Society will regard himself or herself as a traveller for this publication. Does your local library subscribe to *Parliamentary Affairs*? If not, why not? Can you do something about that? Does your Club take it in? If it does not, will you please have a word with the Secretary?

Finally, I want to say a word to members who can influence advertising programmes. To take a page of advertising in *Parliamentary Affairs* is good business and good sense. It helps our work and it helps the advertiser.

The membership of the Society provides the indispensable foundation for all our educational work. A member of the Hansard Society is expected to spread news of the work of the Society and recruit new members. In return the member receives our literature, tickets for lectures, and has the use of the Information Department and any assistance we can give him or her in the study of parliamentary institutions. At the third annual meeting of your Society (a report of which appeared in our last issue) the ordinary members of the Society numbered 716 and the corporate members 159. On the 1st February the number of ordinary members had increased to 1289 and of corporate members to 179.

The work of the Hansard Society is becoming increasingly urgent and important if considered against the background of world affairs, and to do this work as it should be done we require not less than 5,000 members. In particular we should have more corporate members. Therefore the Council urge existing members to go out upon a mission and explain fully to their friends what we are doing and thus lead them into the movement.

Our office now has available a six-page leaflet which

summarizes what we are and what we do. We are indebted to each of the political parties for having included this leaflet in literature which they circulate. The results have been very satisfactory. There must be many of our corporate members who, in the ordinary course of business, send out a letter to their clients. Why not ask us to send you 500 copies of this leaflet and then put these into your next outgoing mail? It will not add to the postage bill, and you will be helping the great cause.

An ever-increasing demand for advice, help and literature about Parliament comes from Germany and we do our utmost to satisfy this need. A certain number of Germans in key positions, such as Chief Librarians, are sent copies of this journal. There is a brisk demand for copies of *Hansard* in Germany.

Enquiries of all kinds come into our Information Department from all over the world as well as from Great Britain. Here are typical questions dealt with by Mr. J. D. Lambert, B.A., B.Litt., the recently-appointed head of our research section:

- (a) Is a Resolution of either House upon a question of privilege superior to the law of the land?
- (b) Is some special procedure invariably required when an amendment is made to a *written* constitution?
- (c) Please supply a summary of reports issued on Government organization with particular reference to Ministers without Portfolio.
- (d) Please explain the working of a modern Cabinet; its present Committees and Secretariat.

They are not all so intricate as these questions, the third of which came from a student at a British University. We were about to suggest that a special fee would be appropriate when our finance side had the intelligence to notice that the enquirer had made a donation of £10 to the Society!

The second edition of Strathearn Gordon's classic work *Our Parliament* is now exhausted. A third revised and improved edition is now being prepared. Your Society has sold 20,000 copies of this book since it first appeared, and it has been

translated into German, French and Spanish, and negotiations are in hand for a Japanese edition.

Several of our pamphlets are now out of print. I can now announce that Mr. Gordon is at work on a new book with the provisional title of *Tapestry of Parliament*.

Mr. Lidderdale (a Clerk of the Commons) has completed a book on the French Parliament which the Hansard Society is publishing.

Your Council received an invitation from the Canadian Friends of Hansard requesting a visit to Canada by me in order to assist and advise the Canadian Friends of Hansard in their decision to transform themselves into a full-sized Parliamentary Society. This invitation was accepted and I left for Canada on February 12th. I hope to report results in the next issue of *Parliamentary Affairs*.

In France a beginning has been made with the setting up of an autonomous committee entitled *Cercle d'Etude des Institutions Parlementaires*.

In Italy, progress in the formation of an autonomous committee is being made. Both in France and Italy the disturbance of political conditions, whilst making it highly important that centres for the dissemination of knowledge and interest in parliamentary institutions should be established, also make it difficult to bring together all the personalities involved in the job of setting up French and Italian centres. In these matters it is essential not to sacrifice stability for speed. Information about the activities of the Society in Belgium, "Connaissance du Parlement", will be found on pages 94-95.

At the moment when these notes are being prepared, the chief forthcoming event is a Youth Conference to be held at the Central Hall, Westminster, on March 16th. The results will be reported in our next issue. The Chair will be taken by Mr. Hugh Linstead, M.P., Vice-Chairman of the Council.

We have now reached the stage in our growth when the Council feel that a start should be made with the establishment of a Reference Library for the use of members and other interested persons. It is hoped that in our next issue we may

be able to announce something of interest in this connection. In the meantime, we have a Library Fund of £50 to which donations can be made. Members may have on their book-shelves volumes about our Parliament, or any other Parliament, in any language. Consider sending them to our Library. If you are browsing about in a second-hand bookshop you may pick up a book about Parliament for a few shillings. Send it to us, if you can afford to give it to the Society.

In general it may be said that the staff are finding it all they can do to keep up with the work of the Society, and as the Honorary Director responsible to the Council for their activities, I pay a tribute to their zeal and efficiency. This brings me to the point that we have now reached a stage in our existence when we shall be glad to welcome members of the Society to our offices provided it is understood that we cannot offer any refreshment except information about Parliament and—we hope—a better insight into the variety and importance of our work than I can hope to convey in this short note.

What we are going to do about premises I do not know, but it is becoming increasingly evident that what we need now and shall have to have before we are much older is a ten- or twelve-roomed house in the City of Westminster. This is a minimum. I daresay we could get what we want for £50,000. Where this is coming from I do not know. But that it will come from somewhere is my faith, for of the Hansard Society and its work one can say with absolute conviction that, as a paraphrase of what Voltaire said of the Almighty, "If there were no Hansard Society, it would be necessary to invent one."

As members no doubt realize, our work is now becoming unlimited in scope, but what is both a challenge and a headache is the fact that within the last few weeks we have received evidence that in Pakistan, India, the Union of South Africa, Ceylon and Burma, not to mention several crown colonies, there is a demand for the extension of this work. To extend our activities beyond our resources would be a foolish policy and we must therefore do our utmost to expand those resources and call upon our membership to help the officers of their Society in this task.

## PARLIAMENTARY PRIVILEGE IN 1947

by a PARLIAMENTARY CORRESPONDENT

DURING 1947 a committee of the House of Commons published approximately a quarter of a million words on the subject of parliamentary privilege. It is inevitable that little more than a few summaries and headlines should have appeared in the newspapers, and these have naturally been concerned with news rather than with law. In the course of the most remarkable series of privilege cases of this century, however, the House and the Committee of Privileges have been laying down precedents which will form a guide for centuries to come.

*How a question of privilege arises.*

The frequency of cases of privilege in the past year has tended to create apprehension that at any moment some unwitting offender—particularly if he is a journalist—may find himself haled before the high court of Parliament and punished for an unsuspected offence against an unknown law. This apprehension may have been justified in the past when Parliament was struggling to establish its authority in the face of opposition from other powers within the State. But today a question of privilege can only arise:

- (i) If a Member complains orally to the House that a breach of privilege appears to have occurred, or if he puts on the Notice Paper of the House a motion relating to privilege.
- (ii) If a person who is not a Member presents a petition raising a matter of privilege.

The next point to consider is how parliamentary privilege can be infringed. Here again the answer need not be obscured by unnecessary complications.

“Parliamentary privilege”, says Erskine May (14th edition, p. 41), “is the sum of the peculiar rights enjoyed by

each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, *without which they could not discharge their functions. . . .*

The words in italics indicate the limits of privilege today. "The underlying test in all cases", wrote the learned Attorney-General, in a draft for a recent report, "being, whether the right claimed as a privilege is one which is absolutely necessary for the due execution of the powers of Parliament." (H.C. 118, (1946-47) p. xxiv).

To take the argument a stage further, the privilege of Parliament is the privilege not of a special group of citizens, but of each and every elector. When a constituency has returned a candidate to Westminster, often after a long and turbulent contest, it is the electors' right that this chosen representative should be protected from any kind of undue pressure, and particularly from crude violence. If the Reichstag had been as insistent as the Commons on the few essential privileges, without which no legislative assembly can remain independent, Goering and his bandits would never have been able to control it. These privileges are, briefly, the privilege of speaking freely in the House, without fear of threats or actions for libel, and the privilege of freedom from arrest in all civil actions or suits during the time of Parliament and for 40 days before and after each session, during which time the Member is supposedly either journeying to or returning from the meeting of Parliament at Westminster. The privilege of freedom from arrest, it will be noted, is confined to civil cases and does not entitle a Member to evade the criminal law. This is in accordance with the principle laid down by the Commons in a conference with the Lords in 1641:

"Privilege of Parliament is granted in regard of the service of the Commonwealth and is not to be used to the danger of the Commonwealth."

When, therefore, the police arrest a Member outside the House on some criminal matter, the House of Commons is not entitled to intervene. Indeed, if a Member is convicted of an offence and sentenced to prison, all that a judge is

required to do, out of custom and courtesy, is to write to the Speaker and inform him of the Member's name and term of imprisonment. In such cases the House may decide to expel the Member and order a new writ to give the constituency the chance of choosing some more honourable successor.

#### *Breach of privilege and contempt*

In addition to its power to punish offenders, whether they are Members or strangers, who infringe these privileges, which are recognized as part of the law of the land, the high court of Parliament has the power enjoyed by every other court, but not by every legislative assembly, of punishing for contempt of its authority.

This additional power is a most valuable ancillary protection which prevents offences against either House going unpunished because, though gross in their nature, they do not infringe a specific privilege. Erskine May describes the distinction between "breach of privilege" and "contempt" in these words: "When any of these rights and immunities, both of the Members, individually, and of the assembly in its collective capacity, which are known by the general name of privileges, are disregarded or attacked by any individual or authority, the offence is called a breach of privilege, and is punishable under the law of Parliament. Each House also claims the right to punish actions, which, while not breaches of any specific privilege, are offences against its authority or dignity, such as disobedience to its legitimate commands or libels upon itself, its officers or its Members." (14th edition, p. 42).

The conduct of Goodwyn in 1647, affords a good illustration of behaviour amounting to contempt. The case was one of a series of precedents on which the Committee of Privileges, in 1947, based their conclusions regarding a modern instance of disturbance in the precincts. Goodwyn (a petitioner who had presented a groundless and scandalous petition) was, by resolution of the House, committed to the prison of Newgate, there to remain a prisoner during the pleasure of the House, on account of "his insolent behaviour, and foul revilings upon

the House, and their Members; and raising Clamours and Tumults at the Door of the House, to the disturbance and scandal of their proceedings; and for his great and notorious misdemeanours in this kind" (Commons Journals, 1646-48, p. 232).

Contempts, of course, are most frequently, though not necessarily, committed within the precincts of the House. Within those precincts absolute authority is exercised by the House itself, through the officers who serve it, and even the service of a court summons by a police officer, in the morning of a day on which the House of Commons was to sit, was held to be a contempt of its authority, though such an action could quite properly be undertaken outside the precincts of the House.

Before coming to the particular cases which excited so much attention in 1947, one other general principle may be mentioned. Writers frequently allege, in reference to some particular case, that the existing privileges of Parliament are being dangerously and unjustifiably extended. This accusation too often resembles the argument that the police are exceeding their duty when they are alert enough to detect one's own peccadillo, coupled with the alternative assertion that they are grossly negligent when they fail to take immediate action against some annoying neighbour. It is surely the duty of Parliament to act effectively when breaches of its laws have occurred; it is not necessary to stress how menacing to all civil liberties it would be if Parliament yielded to outside pressure instead of using the weapon provided by law for its defence.

In fact, the argument against extension of privilege appears to be based on a misconception of the law. It is within the competence of each House to expound the law of privilege, and apply that law to the circumstances of each case as it arises. But it is fully accepted that no *new* privilege can be created. In 1704, the Lords and Commons both agreed to the proposition "That neither House of Parliament have power, by any vote or declaration, to create to themselves new privileges, not warranted by the known laws and customs of Parliament."

To illustrate this important proposition, a famous case may be mentioned. In 1892 a railway porter complained that, because he had given evidence before a Select Committee of the House on Railway Servants (Hours of Labour), he had been dismissed from his employment with the Cambrian Railway Company. The question here was whether this action by the railway company, not directed immediately against a Member but indirectly against a witness, infringed any privilege. The House decided that the privilege of freedom of speech might rightly be enforced to protect from interference or penalty the testimony offered by strangers to committees of the House.

On the 7th April, 1892, therefore, one of those tense scenes in parliamentary history, which occur perhaps once in a generation, demonstrated not the assertion of any new privilege, but the application to new circumstances of an ancient privilege. On that day the House ordered the attendance in his place of one of the directors of the Cambrian Railway, who was a Member, and summoned to the Bar the two other directors and manager of the Company. The directors and manager were then solemnly admonished by the Speaker, after the House had resolved that they had committed a breach of privilege by their action in dismissing John Hood, the witness whom they had penalised.

A not unimportant point of procedure emerges from this case. It will be noticed that the House decides, by resolution, that a breach of privilege has occurred. Any Member, as already explained, can seek to raise a question of privilege. The question is then proposed to the House by the Speaker if it seems to him that, *prima facie*, a privilege point is involved. The Speaker having proposed the matter to the House, the next step is usually for the Member who first raised it to move that the matter be referred to the Committee of Privileges, especially when there is any obscurity in the facts of a case. This is a committee appointed by the House at the beginning of each session. It consists of ten experienced Members of the House, the chairman usually being the Prime Minister or a leading member of the Government. It is not a

committee of lawyers, although it is the custom to have one of the law officers and other legally qualified Members among its number.

In 1947, for example, in addition to the learned Attorney-General, there were three other distinguished King's Counsel; in one case, at the request of the Committee, these four counsel undertook in turn the examination of witnesses. The collective advice of the Committee, representing the considered view of men with exceptional knowledge of the House of Commons, of public administration and of the law, is obviously of the highest value to Parliament and the country. It is therefore a very significant illustration of the difficulties involved in privilege questions that the Committee made reports to the House in 1947 which showed a measure of disagreement in three out of five cases. In each of these three cases, a minority of members of the Committee proposed and voted for alternative findings, not differing from their colleagues on the facts, but on the interpretations of parliamentary privilege in relation to them.

The reason for this difference of opinion arises from the nature of the law of privilege. New privileges may not be created, but whether a new set of circumstances falls within the scope of existing privilege is a problem on which the best parliamentary minds may differ. Just as a legal case of exceptional difficulty has often to be decided by a majority of the Lords of Appeal against a dissenting minority in the House of Lords, so in the Commons declarations on privilege are sometimes made only on a division of the House.

These controversial cases have, in fact, helped to define the fringes of the law and to mark more distinctly the legal boundary beyond which parliamentary privilege does not apply.

#### *Relations between Members of Parliament and outside bodies*

One such difficult question, which raises a problem affecting the members of legislative assemblies everywhere, concerned financial assistance to Members from outside bodies. A refusal to admit the principle of such financial assistance

might lead to one of two results. Parliament might become again, as it was till recently, an institution in which only the comparatively wealthy could afford places, or alternatively, the tax-payers might be called on to support a body of salaried professional politicians—a type known to the United States but quite foreign to the House of Commons. Though there are obvious dangers in the practice of a trade union or other body paying a Member so long as he is in Parliament, it is a practice, so far as trade unions are concerned, which has received statutory recognition by the Trade Union Act, 1913; and it would doubtless be perfectly legal if subsistence allowances were made by companies or societies to any directors who happened to have secured election to Parliament.

Members receiving any such financial assistance might be assumed to be morally, if not legally, bound to take a certain line on any parliamentary matter affecting the interests of those lending financial support. On the other hand, the freedom of Members to speak and vote without restraint imposed by any outside body is one of the essential privileges of Parliament; it was, indeed, recognized by an early statute—in 1512—and confirmed by the 9th Article of the Bill of Rights, 1688.

These considerations were faced and debated by the House in 1947. The case concerning Mr. W. J. Brown, M.P., and his Association was a particularly fortunate one on which to raise the conflicting points of constitutional principle involved, since both sides laid before Parliament the fullest documentary evidence; there was also general agreement on the facts and there was anxiety on both sides that the House of Commons should give its considered ruling on an issue of more than temporary importance.

It will be remembered that in March, 1947, a Member complained to the House of actions by the Executive Committee of the Civil Service Clerical Association, which, it was submitted, were calculated improperly to influence Mr. Brown in the exercise of his parliamentary duties. In addition to being a Member of Parliament, Mr. Brown received a salary as Parliamentary General Secretary of the trade union of

civil servants of which he was founder, and undertook a good deal of political journalism. Each of these activities inevitably over-lapped to some extent, and on this fact the case arose.

The admission that an outside body could in certain circumstances seek to put pressure on a Member, in consequence of his openly expressed political views, is obviously very dangerous. The Committee of Privileges accepted no such position, which would indeed strike at the freedom of Parliament; its finding, by a majority, was that *in this case* no breach of privilege had occurred, although a minority expressed, in an alternative draft report, a different opinion. The important issue affecting a Member's relations with outside bodies, whether employers, trade unions or companies, is referred to here in barest outline; it can only be studied adequately in the light of the 140 page report of the Committee of Privileges (H.C. 118 (1946-47)), and of the seven hour debate in the House of Commons which followed that report.

It may, however, be worth recalling here the declaratory resolution of the House which was agreed to by 275 votes to 114:

"That this House agrees with the Report of the Committee of Privileges, and in particular declares that it is inconsistent with the dignity of the House, with the duty of a Member to his constituents, and with the maintenance of the privilege of freedom of speech, for any Member of this House to enter into any contractual agreement with an outside body, controlling or limiting the Member's complete independence and freedom of action in Parliament or stipulating that he shall act in any way as the representative of such outside body in regard to any matters to be transacted in Parliament; the duty of a Member being to his constituents and to the country as a whole, rather than to any particular section thereof."

#### *An inquiry affecting the Press*

In the same month in which this long and difficult case began, what was destined to become an even lengthier case of privilege arose, curiously, from a proceeding in the House itself. On the 26th March, 1947, a supplementary question

## PARLIAMENTARY PRIVILEGE IN

was asked in the Commons which started a train of events which led to such diverse incidents as the oral examination of a Lobby Correspondent by Mr. Speaker in the presence of a silent House; the appearance, on separate issues, of two editors at the Bar; and the return to Parliament of Sir Richard Acland as Member for Gravesend. The strangeness of these results is not lessened by the fact that the supplementary question was out of order, and was the subject of an unreserved withdrawal and apology by the Member who asked it.

Briefly, the supplementary question contained the imputation that certain Members accepted bribes from a newspaper "to supply the report of private and confidential meetings in this House". A few days later a Fleet Street journal contained a signed article by a Member, elaborating the alleged methods by which newspapers got news of confidential party meetings by paying or offering intoxicants to Members. The suggestions in this article were so serious and detailed that when an honourable Member raised the matter, the Speaker agreed that *prima facie* a question of privilege was involved, and the matter was referred to the Committee of Privileges.

The honour of the House as a whole was considered by the Committee to be involved in the charges made, and an exhaustive inquiry was therefore decided on, in the public interest, as the appropriate course of action. Evidence was called for from many distinguished journalists, from Fleet Street editors, from newspaper managers, and from many Lobby correspondents.

The evidence threw light on many aspects of Parliament's relations with the Press, as well as showing the resentment with which Fleet Street regarded the attack on its own integrity. As a result of their inquiry, the Committee found that, though two cases came to light which involved "a serious departure from that high standard of personal honour which is to be expected from all Members of Parliament", there was no evidence whatever to justify the general charges, which the Committee regarded as "wholly unfounded". Those who believe that scandals in public affairs are glossed over are

recommended to read the volume of 150 pages published by order of the House, in which the Committee stated their conclusions. No better testimony is needed of the high traditions of fairness of Select Committees appointed by the House. Every single document relevant to the case is attached for public information, as well as every single word spoken by witnesses. In accordance with the strict practice of the House, no alteration in any answer given on oath is permitted, and in fairness to witnesses and to the House, the Committee permitted no evidence to be given in private. Indeed, when one witness asked permission to make a statement *in camera*, "off the record", the Committee declined to hear him in such conditions, because, as the Chairman said, "that creates feelings of suspicion (and quite rightly, perhaps) in Members of the House of Commons" (H.C. 138 (1946-47) p. 31). From the legal point of view, the great interest in this case lay in a question which arose in the course of the inquiry, namely, whether party meetings, at which the business to come before the House was discussed privately by Members, came within the protection of parliamentary privilege. There were many arguments on both sides and considerable public apprehension was expressed on this issue when the Report of the Committee appeared.

The debate in the House on this Report is again of the greatest interest, and the feeling of the House that privilege attached to proceedings of the House—specific items of business—rather than to gatherings of Members has met with general acceptance.

#### APPENDIX

#### MATTERS OF PRIVILEGE IN 1947 .

For convenience of reference, the principal events of a remarkable year in matters of parliamentary privilege are set out below; where no separate publication is mentioned, full particulars will be found in *Hansard* of the date given.

**December 19th, 1946.** Case of disturbance in the precincts brought to the notice of the House and referred to the Committee of Privileges.

**February 3rd, 1947.** Report on the case by the Committee (H.M. Stationery Office, 2s.). Includes evidence and memoranda on the law of privilege by the Clerk of the House of Commons and by Mr. L. A. Abraham.

**February 10th.** Debate on, and resolution by the House agreeing with, the report of the Committee.

**March 25th.** Case concerning Mr. W. J. Brown, M.P. and the Civil Service Clerical Association brought to the notice of the House and referred to the Committee of Privileges.

**April 16th.** Case of Mr. Garry Allighan, Member for Gravesend, raised in House and referred to the Committee.

**April 22nd.** Debate in the House relating to the constitution of the Committee of Privileges (concluding with a division).

**June 17th.** Report by the Committee of Privileges on the case concerning Mr. W. J. Brown, M.P., with evidence (H.M. Stationery Office, 3s.). Appendices comprise 36 pages of documents, including memoranda on privilege.

**July 15th.** Debate in the House and Resolution agreeing with the Report (after a division, Ayes, 275, Noes, 114).

**July 23rd.** Report by the Committee of Privileges on the case of Mr. Allighan, with evidence (H.M. Stationery Office, 4s. 6d.). Two memoranda on the law of privilege are included in the Appendices.

**July 23rd.** Special Report from the Committee of Privileges, reporting the refusal of two witnesses—a newspaper editor and a political correspondent—to answer certain questions (H.M. Stationery Office, 1d.).

**August 4th.** Personal statement made in the House by a Member, relating to the Special Report of 23rd July.

Statement referred to the Committee of Privileges.

**August 4th.** Report from the Committee on the statement by a Member (H.M. Stationery Office, 9d.) including evidence and an Appendix.

**August 12th.** Special Report of 23rd July considered by the House, and direction given to Serjeant-at-Arms to bring the two witnesses to the Bar. Examined by Mr. Speaker in the presence of the House. Debate and Resolution, *nemine contradicente*, that refusal by a witness to answer any question put by a Select Committee is a contempt of the House.

**October 30th.** Letter from a judge informing the House of sentence on a Member.

**October 30th.** Debate in the House on Report from the Committee of Privileges on Mr. Allighan's case (23rd July). An editor heard at Bar; and later reprimanded. Mr. Allighan heard in his place. Three resolutions relating to his case; the third, for his expulsion, being carried on a division, 187 votes to 75.

**October 30th.** Debate in the House on Report from the Committee of Privileges (4th August).

A Member heard in his place, and later reprimanded.

**October 30th.** Debate in the House on a Motion relating to disclosure of confidential information to newspaper representatives; debate adjourned (*sine die*).

**October 30th.** Short Debate and Resolution of the House relating to powers of the Committee of Privileges.

**December 10th.** Debate in the House on another Motion relating to disclosure of confidential information. Resolution agreed to on a division by 287 votes to 123.

## PARLIAMENTARY ELECTIONS IN INDIAN PROVINCES

by F. O. BELL, O.B.E.

(*Mr. Bell served in the Indian Civil Service in Bengal from 1930 to 1947. During the 1946 elections for the provincial legislatures he was District Magistrate of Dacca, in East Bengal, and ex officio Returning Officer for several constituencies.*)

THE practical working of democracy and parliamentary institutions in India is best studied by examining the electoral process for the provincial legislatures. The Indian legislatures were creations of the British Parliament, their composition being determined by the Government of India Act of 1935, and the franchise being defined to suit local conditions after the investigations held by the committee presided over by the late Marquess of Lothian.

In providing for a means of government which was intended to reproduce its own essential features, the British Parliament was anxious to create machinery whereby the will of the people would be directed into a process of government by counting heads rather than breaking them. But the objective of "broad based upon the people's will" had to be adapted to fit conditions of Indian political and social life. Chief among the political factors was the communal division—the division which, in the view of the British Parliament, made necessary the granting of separate and weighted representation for Moslems and other minority communities. The social factors were the general backwardness of the country and the comparative illiteracy, especially among women.

This backwardness and considerable degree of illiteracy, together with the vast numbers involved, made the British Parliament decide against universal manhood, or even household, suffrage. As it was thought undesirable to experiment with anything like indirect representation or "representatives of representatives", and as Parliament wished to

enfranchise something more than narrow socially-dominant groups, a compromise solution was effected which was intended to produce an electorate on a manageable basis, and at the same time was to give reasonable representation to the main categories of the population. In 1932 the Lothian Committee estimated that adult franchise would mean an electorate of 130 millions, which would have been administratively unmanageable, and recommended the enfranchisement of something like 36 millions with a much greater proportion of men than women. In fact rather fewer people were actually given the vote, and in the spring of 1937, at the first elections held for the provincial assemblies under the Act of 1935, the total electorate qualified to vote in all types of constituencies, including the small special constituencies for landholders, business interests, etc., was a little over 30 millions. Of these over 4 million were women. Something like one fifth of the adults were enfranchised, with from a third to two-fifths of the adult males.

Qualifications were necessarily varied from province to province, but generally the criteria were property qualifications based on the payment of rent, land revenue or local taxation, supplemented by an educational qualification. In addition to women holding the prescribed property qualification in their own names, wives of men holding a higher qualification were enfranchised. It was notable that although the proportion of male voters enfranchised did not vary widely from province to province, the proportion of women voters varied considerably. In Madras over one and a half million women were enfranchised, about one quarter of the whole electorate; in the North-West Frontier Province only one in fifty of the voters was a woman; and elsewhere the figures varied from one in seven to one in twenty-four. Complete figures for the 1946 elections are not available in the U.K. at the time of writing, but on the same qualifications the number of voters on the roll and the number who actually voted, was higher than in 1937.

Such being the bare outlines of the system of government which existed in British India, some description of the con-

stituencies and the method of recording the votes should follow. Only the territorial constituencies, whether Moslem, Sikh or "General" (in fact Hindu), need be considered, for the others are not constituencies of a mass democracy. There were 1,330 such territorial seats in the eleven provinces, but not all were in single member constituencies. There was no attempt to reproduce the old English "double member" borough constituency, but the exigencies of the Scheduled Caste (Untouchable) vote and the decision to have reserved seats on a joint electorate for these people made some two-member, and even three-member, constituencies inevitable for the Hindu electorate. Sikhs in the Punjab and Moslems everywhere had their own separate electorates, and the Scheduled Castes voted separately at a primary election and then on a joint electorate with all Hindus—an arrangement brought in by Mr. Gandhi's determination to fast unto death in 1932.

In the Bengal Assembly there were 48 general constituencies, returning 78 members. There were 20 "double member", and five "treble member" constituencies. Some very big constituencies resulted. The Faridpur district of Bengal, for instance, returned three members in one constituency, two of the seats being reserved for the Scheduled Castes. This district has an area of about 2,800 square miles and had 137,478 voters in 1937. Hindu constituencies averaged 2,139 square miles in Bengal, and about 2,900 square miles in the Punjab. In the North-West Punjab and Sind, some constituencies covered a very wide area. In the densely populated parts of East Bengal, constituencies were naturally of a smaller size, the usual Moslem constituency having 30,000 or 40,000 voters in an area of some 400 square miles. For comparison, it may be stated that an Indian District of moderate size in the well populated parts of the country is about the same area as the bigger English counties like Devonshire and Lincolnshire, while the smallest British constituencies will, under the proposed redistribution of seats, have over 40,000 voters.

To poll constituencies of this size in a country where communications are not good, a general dislocation of ordinary government has to take place for a week. The important

factors are the presiding officers at the polling stations, and the peculiar technique made necessary to record votes because of the backwardness of most of the voters. In India it was thought necessary to employ only the higher officials—gazetted officers—of the provincial and central Government as presiding officers. In the United Kingdom local government officials preside. The bureaucracy of the Indian Provincial Governments, in spite of the existence of political Ministers in the dyarchical régime of 1921-37 and in some provinces for several years prior to the 1946 elections, was still considered to be impartial and trustworthy. No greater tribute could have been given to the attitude of mind which, under British inspiration and leadership and with an increasing Indian element in the senior ranks in the last 25 years, has prevailed among the abused bureaucracy and shown it to be, if rightly used, a worthy instrument of democratic government as understood in Great Britain.

When polling has to be conducted in an Indian provincial election, the usual work of the Civil Service has to stop. Courts close, save for an occasional magistrate to deal with urgent affairs; payment of revenue and public dues is held up; Government schools close down. The lesser bureaucracy—magistrates, civil court judges, teachers at Government High Schools, senior officials of the co-operative department, and the *tahsildars* (revenue collectors and circle officers who run the Government in the countryside)—are mobilized. The police department has to send out escorts and depute armed parties to areas where feelings may run high and violence is feared.

It is impossible for the staff available to record all the votes in one day. In the first place, there are entirely different electoral rolls for the different types of constituency, Hindus and Moslems having separate constituencies and separate rolls. Secondly, in order to deal with the number of voters with the officers available, one officer must preside at two or more centres, which means a day for each centre. An officer who presides at Rampur for a Hindu constituency on Monday, may stay on for polling Moslem votes at the same place on

Tuesday, and then move some miles to Munshirhat to poll the votes at that centre on Wednesday and Thursday. On the previous Saturday or Sunday, there will have been great activity at the Collectorate, the headquarters of the district administration. Officers, clerks, and messengers will be gathered and will be seen loading ballot boxes, sacks of ballot papers, and the inevitable tied bedding rolls and cooking pots which constitute Indian personal baggage, on to bullock carts or hired buses. In course of time, the staff will be installed in the polling centre.

In the Bengal countryside, where the writer has experience, the polling centre is likely to be one of the corrugated iron or mud-walled buildings with corrugated iron roof which are so commonly used as High Schools. In front of the wooden-posted veranda a space will have been fenced off with a waist-high bamboo rail fencing. A couple of noisy red-turbanned constables and a contingent of blue-jacketed *chowkidars* (village watchmen) will be standing by to maintain order. The constables are likely to be vocal and assertive of authority—the *chowkidars*, holding spears, silent and liable to raise the backs of their hands to their foreheads in salute to anyone who appears to be in authority. Around the bamboo entrance, the candidates' party workers will have set up their "camps" to check the arrival of known supporters and explain the voting procedure.

Inside the polling booth the voter will go through a procedure which, up to a point, is similar to that familiar in Britain. The voter gives his name to one of the polling clerks, and this is checked against his name on the electoral roll. Candidates' agents may challenge the voter only on the ground of identity, and some leading villagers should be present at the polling station to advise if identity is challenged. The voter is then given his voting paper. But it is not a voting paper as known in Britain. Instead of a paper containing the names of the candidates and the space against each name, the Bengali voter will receive a plain white piece of paper bearing only a printed serial number and details of the constituency. The paper is then stamped by a secret press mark, and the

voter takes his stamped paper into the voting compartments—an affair of bamboo and jute sacking—and drops it into the box which bears the symbol of the candidate whom he favours. This procedure is followed because of the backwardness and illiteracy of many of the voters. It is assumed that too many would muddle the business of reading names and marking crosses against them, and so the “box and symbol” system has been devised to secure proper voting. The symbols are objects familiar to the countryside—a plough, a hurricane lantern (or “hurricane” as known in Bengal), an umbrella, a hookah, an axe, etc., symbols which have no political or religious significance. At nomination time, one of a prescribed list of symbols is allotted to each candidate according to choice, or, if no agreement can be reached, by lot. Thus at each polling station, instead of a common ballot box there is at least one box for each candidate marked with the chosen symbol, and the voter has to drop his ballot paper into the appropriate box.

The presiding officer may help the voter by explaining which box is for which candidate, and by showing him what to do. I do not know of any instance of this responsibility being abused by presiding officers. The press stamp put on the paper before it is given to the voter is intended to prevent “stuffing” of the ballot box by insertion of bogus papers. When papers are eventually counted, any paper which does not show the appropriate mark will be rejected. When polling has been completed, the staff will return to district or sub-divisional headquarters, and counting will take place under the supervision of the returning officer and in the presence of candidates or their authorized agents as in Britain. The returning officer is usually the District Officer, by whatever title he may be known, but in constituencies which are so small as to be confined to a single sub-division of a district, the Sub-Divisional Officer may be the returning officer.

Such is the procedure followed in Bengal and several other (but not all) of the former Indian provinces to record the votes of one of the largest democracies in the world, indeed, the only oriental and comparatively illiterate country in which honest ballot-box methods have been tried. It will be noted that there

is some departure from secrecy in that the presiding officer is entitled to help the voter in the sense of helping him to do the right physical action for recording his vote. The presiding officer might, if he wanted to, be able to find out who had dropped a particular paper into a certain candidate's box, but, as already stated, the writer knows of no instance where this has been alleged.

Does the Indian voter take the trouble to vote and know what he or she is voting for? There can be little doubt but that "he" uses the vote. In the 1937 elections, over 70 per cent. of the electorate voted in the North-West Frontier Province and Assam, and in the country as a whole, over half. In every province except Bengal, where only 40 per cent. voted, over half the total electorate voted in contested constituencies. In Madras, with its one and a half million women voters, 31 per cent. of the women voted. By comparison, in Bengal only 5 per cent. of the women voted, and in the provinces of Bihar and Orissa the proportion was very little larger. The Madras percentage was approximately that of the average in all provinces.

It is difficult to give a convincing answer to the question "Does the voter know what he is voting for?" It would be difficult to answer such a question in Britain, the United States, or the Scandinavian countries, and no short answer is possible in respect of India. Certainly the Indian voter has voted for a Cause, and in the India of the last ten years there have been only two Causes, and two parties which advocated those Causes. The Indian National Congress stood for independence from the British, and the Moslem League emerged latterly as the champion of Moslem separatism. Certainly every one of India's voters knew of the Congress and the League. They knew that the Congress stood for Independence, or Swaraj, and that the League stood for Islam. Beyond that, few would care to go, and he would be a bold man who would forecast the attitude of the Congress or the League to any social or economic question such as the level of income tax.

The writer is not aware of any issue of election addresses by individual candidates. In 1937, the Moslem League had not

developed its strength, but in 1946 the League candidate could usually expect a run-away victory in a Moslem seat. The existence of two mutually exclusive parties, appealing to separate electorates, did not mean a lack of interest in elections, and, indeed, the very fact of their existence implied a degree of mass political activity. Although public meetings were not common in country areas or small towns, there was much activity to show that an election was in progress. In country areas, placards calling upon the voters to vote for "A", who was the Congress-selected candidate, or "B", the League nominee, might be seen posted on road-side trees or sheds and buildings in rural markets. Generally such placards were simple and confined themselves to such slogans as "Purna Swaraj" (Complete Independence) or "Pakistan Our Demand", with the unending "Bande Mataram" (Salute to Motherland) or "Jai Hind" (Victory to India) on the Congress side, and "Allah ho Akbar" (Allah is Great) or "Pakistan Zindabad" (Long Live Pakistan) on the Moslem League side. Although the big public meeting was not so common as in England, there was a great deal of coming and going by the candidates and their leading supporters, and small group meetings. To ensure fair and impartial treatment of all candidates, petrol being rationed, the Bengal Government prescribed a limit of 500 gallons of petrol for use by each candidate in the 1946 elections. Cars decorated in party colours might be seen in the countryside. In big towns, such as Dacca, and still more in Calcutta, cars or lorries carrying groups of "volunteers" or party supporters were frequently moving through the streets with speeches or slogans being delivered through megaphones or amplifiers. The amplifier van, which combines the maximum of noise with the minimum of instruction, is not unknown to Indian cities.

The pattern of party organization and electioneering in India was set by the Congress. Throughout the greater part of the country, there are district, *thana* (police station jurisdiction), and local committees, and a permanent organization in the shape of a small office (perhaps only a hut) and a secretary and a group of "workers" or "volunteers" who can

be used to spread party propaganda. Such "Congress Offices" were used as centres of disorder when the Congress had started one of its periodical movements against the Government. Thereupon the offices were locked up, the staff moved out, and the more important persons jailed. When peace returned and some sort of agreement was reached between the Congress and the Government, the offices would open up again. The Moslem League copied this pattern of organization, and in the last seven years has built up a similar network of offices and workers. The League has had another method of approach, too, for mosques were undoubtedly used to spread the League gospel by displaying League slogans on outside walls, and at meetings after the weekly Friday prayer time the League cause would be presented as synonymous with the safety of Islam.

It is in these party organizations devoted to a single aim, which has now been achieved, that deviations from the spirit of democracy as understood in Britain are likely to develop. Even in the elections of 1946, with a police and a magistracy still imbued with the ideas of impartiality and respect for law fostered by the bureaucracy, there were too many cases of brawling and attempted intimidation. Where, as in India and Pakistan, a Government has been brought into being by a "movement" which has acted as a single party, it is not easy or natural for that party to tolerate opposition. There is always the possibility of the institutions of the State being merged in the institutions of the party, and parliamentary elections becoming only a means of holding a periodical party rally to constitute a party organ.

Parliamentary democracy, as we understand the term in Britain, will be adapted and modified in India and Pakistan to suit the needs of Eastern people. It is interesting that the Indian Constituent Assembly has decided to adopt so many of the features of British democracy for the new Indian Constitution.

## PARLIAMENTARY QUESTIONS ABOUT THE HOUSES OF PARLIAMENT

*3rd November, 1947*

**Mr. Sharp** asked the Minister of Works whether he intends taking any further action to improve the ventilation of the present House of Commons Chamber.

**Mr. Key:** Repairs to the filter screens have just been completed but no further work is proposed at present.

**Mr. Bartlett** asked the Minister of Works whether in view of the increasing shortage of building materials, he will consider the advisability of holding-up further work on the reconstruction of the House of Commons.

**Mr. Key:** No. The structural steel is already in position; the engineering installations are being manufactured and it has been decided that building work is to be continued.

*24th November, 1947*

**Mr. Keeling** asked the Minister of Works whether he proposes to set up a Committee of Members to advise him on matters arising during the rebuilding and furnishing of the new House of Commons.

**Mr. Key:** Yes, Sir, I have decided to set up a Committee for this purpose. The right hon. and gallant Member for Gainsborough (Captain Crookshank) and the hon. Members for Rothwell (Mr. T. J. Brooks), Mitcham (Mr. Braddock), the Forest of Dean (Mr. Philips Price), West Willesden (Mr. Viant), East Toxteth (Mr. Buchan-Hepburn), and North Cumberland (Mr. W. Roberts) have consented to serve on it under my chairmanship. The Committee will be informal, and its terms of reference will be to advise me on the interpretation of the recommendations of the Joint Select Committee on Rebuilding on questions of detail connected with the new Chamber, as they arise.

**Sir Ronald Ross:** Are questions of taste to be confined entirely to English Members?

**Mr. Key:** I think I may say that this Committee was arranged through the usual channels. I am not therefore responsible for the selection of those with the necessary taste for the job.

**Mr. Austin:** Will my right hon. friend see that locker accommodation is improved in the new House of Commons, as the present locker accommodation is hopelessly inadequate?

*1st December, 1947*

**Mr. Osborne** asked the Minister of Works if he is aware that the scaffolding for the repair of windows in the Central Lobby has been up since Easter but that no work appears to have been done; and since labour and materials have been made available for the repair of public houses, cinemas and dog tracks, why this repair to the Palace of Westminster has not been started?

**Mr. Key:** Yes, this scaffolding was erected so that measurements could be made of the glass required for repairing the windows. The glass was ordered last July but the type of glass required has to be specially manufactured and cannot be supplied quickly in large quantities. I hope that one window in the Central Lobby will be reglazed during the Christmas Recess and the other three by the end of the Easter Recess.

## WHAT YOUTH WANTS TO KNOW ABOUT PARLIAMENT

PART of the educational work of the Hansard Society consists of the organization of Youth Conferences on Parliament. One such Conference was held on 24th June, 1947, at the Central Hall, Westminster, and was attended by 2,000 young people from schools in London and the Home Counties. In the morning Commander King-Hall spoke on the general topic of "Parliament": Sir Arthur Salter was in the Chair. After lunch, five Members of Parliament formed a Brains Trust and answered questions on Parliament put by the young people. The five "brains" were Sir William Darling (Conservative), Mr. Frank Byers (Liberal), Mr. Richard Crossman (Labour), Mr. William Gallacher (Communist), and Mr. W. J. Brown (Independent). Commander King-Hall was the Question Master. The following extracts from a verbatim account of the proceedings illustrate the variety of matters about which the young people sought information. The questions and answers were recorded, and a limited number of sets of records is available. Each set consists of ten unbreakable double-sided discs in an album. The cost is £6 10s. per set, and orders should be sent to the Secretary of the Hansard Society.

*QUESTION MASTER: During time of war, men of eighteen can give their lives for their country but do not have the right to vote. What does the Brains Trust think about it?*

**MR. BYERS:** Every person judged to be old enough to fight for his country should be judged to be old enough and experienced enough to have a vote.

**MR. BROWN:** Personally I am opposed to this. The idea that because a fellow can carry a rifle, therefore he has the brains to vote, is not sound at all. Our fathers are responsible for our debts until we are twenty-one, and

you cannot get married before you are twenty-one unless the "old man" agrees. Personally I am in favour of raising the voting limit, not lowering it. The consequences are already sufficiently deplorable without making them worse. I am in favour of raising the voting age to about seventy.

MR. CROSSMAN: It is suggested that because a man can fight at eighteen, he should get the vote; and because a woman does not fight, she should not get the vote at eighteen. I think everybody should get the vote at eighteen or nobody. Having said that, I think I ought to say that the question is not whether they are capable of fighting, but whether they are capable of voting. The two things are not the same.

SIR WILLIAM DARLING: Being a Conservative, I never go to extremes although I sympathize with Brown's point of view. I think the vote is given far too easily. To confer a vote on human beings because they have passed their eighteenth birthday makes nonsense of votes.... It is nonsense to say that all are equal, and should have an equal share in the government of the country.... I would rather see the voting age raised than lowered, and I would say that people should approach the responsibility of voting with prayer and fasting and after much consideration. If the qualification was fighting, I could produce a boy of eight who is a better fighter than I was at eighteen. The vote should not be extended: rather it should be more qualified than in the past.

QUESTION MASTER: *Is it true to say that the British Constitution is more democratic than the American?*

MR. CROSSMAN: I am sorry to say it all depends on what you mean by democracy. If you want a government which prevents anybody from ever doing anything, take the American Constitution. You all know how it was set up. It was set up to prevent dictatorship. They set up a Constitution to see that no one should have the power

to do a great deal of either harm or good. Our Constitution gives one a chance of doing a good deal more for good or bad. You must take your choice. If you think it democratic that no one should be allowed to do either harm or good, be American. If you think it democratic to let somebody have a chance to do something at the risk of his doing something harmful, our Constitution is better.

MR. BYERS: I agree with Dick Crossman. First of all, the President of the United States has far more power than an English King, and the elected Senate of the American Parliament has very much wider powers than the House of Lords. It follows that the English House of Commons has very much more extensive powers than those enjoyed by the House of Representatives in America.

QUESTION MASTER: *Who are the Chief Whips, and what do they do?*

MR. BYERS: The duties of the Whips, broadly speaking, are to run the organization of the business of the House of Commons. They make arrangements through what they call the "usual channels" as to what business shall be taken, and how best it can be arranged: and they consult with the Speaker how the general business of the House is to be run. Secondly, the Whips are responsible for seeing that their Members get into the right lobby, that they vote for the Party and keep up attendance in the House of Commons. The Government Whip has a very big job indeed, because he has to make quite certain that at all times he has a majority to outvote anybody else in the House of Commons. That means that he has to exercise a certain amount of pressure to see that he has always, say, two hundred and fifty Members present ready to vote. They send out a Whip, which is a piece of paper telling the business of the week, and anything they think of interest. There are many other things they are responsible for.

MR. GALLACHER: The Whips are the shop stewards of

Parliament, and the Chief Whips are the conveners of the shop stewards. They do in Parliament what shop stewards do in an ordinary factory.

MR. CROSSMAN: I would like to say a word about the Whip. In our Party there are a lot of independent-minded people. So there are in the Conservative Party. If the Government is putting forward a measure and does not quite know how the Party is going to take it, the Chief Whip has to find out what the temper is in the Party. The Chief Whip has got the job of telling the Prime Minister how the "boys" are feeling. That is one of his most important problems. He is the Public Relations Officer between the Government and the back benchers.

MR. BYERS: I believe it is right to say that the Chief Whip of the Government Party is the one person who always has the right to see the Prime Minister at any time at all—even three o'clock in the morning.

MR. BROWN: I think all the functions of the Chief Whip have been mentioned except one, and it is a very important one. The Chief Whip is a direction signpost to tell the persons who have not heard the debate, and don't know what the division is about, which lobby they ought to go into. When the division bell rings, you will find perhaps forty Members in the Chamber who have heard the debate; but there will be three or four hundred about the building who have not heard it. This does not restrain them from voting, but as they don't know what it is about, they don't know which lobby to go into until they see the Whip pointing to the lobby. They go like sheep, and at the end of the session you will find they have voted four hundred times, but three hundred times they will not have known what they were voting for. The main function of the Chief Whip is to act as a signpost for the lost sheep of Parliament.

MR. BYERS: It is true that people are constantly voting on things they don't know. But that must be done in

Parliament. We are dealing with detailed legislation, most of which only experts can understand. It is reasonable that on such occasions the ordinary Member should say, "Well, I don't know: I will trust my Party leadership." It is quite untrue to say that always happens. There are constantly times when there are great difficulties in getting Members into the right lobby.

MR. GALLACHER: I think it would be utterly impossible to carry on if Members of Parliament were always in the House. Very often there are Committees upstairs; very often they have visitors who have to be attended to; and naturally in carrying out this work they may miss a particular discussion, or its conclusion, and go into the lobby not clear as to what point the vote is on. But it is very seldom that a division takes place where the Members do not understand what the division is about and don't understand the principles involved. It is an entirely erroneous conception for anyone to think that Members of Parliament are there like sheep to go into one lobby or another.

MR. BROWN: I can only explain many of the things Parliament does on the basis that the Members cannot possibly know what they are doing.

QUESTION MASTER: *What is the difference between a front bencher and a back bencher?*

SIR WILLIAM DARLING: I think I can answer that with greater accuracy than anyone else on the platform because, except myself, these are all ambitious young men. I am the only one who has sat consistently on a back bench. Mr. Brown sits on a front bench below the gangway. Mr. Byers sits two or three back below the gallery, and Mr. Gallacher three back from the front bench, hoping to be asked to come forward. Mr. Crossman takes an enigmatical position all over the Government side with similar implications. A back bench Member is a modest Member, with a modest

contribution to make, who humbly takes a back seat and hopes to be carried forward. A front bencher has never been on the back bench. He has qualified from second or third bench on to the front bench. These views will be contradicted by the ambitious young men here.

MR. BYERS: Speaking as an ambitious young man, I don't think you ought to let Sir William Darling confuse you. This is a serious answer. First of all, on the Government side a front bencher is a Member of the Government who is either a Minister or a Whip. On the official Opposition side the front bench is restricted to ex-Cabinet Ministers, people who have served in a Cabinet or as junior Ministers.

MR. BROWN: May I say a word? The front bencher is a back bencher who is sufficiently dead to be promoted without examination. The course of promotion in the House is very simple. You serve for seven years or so, taking care always to vote for your side and speak as required. You become a Parliamentary Private Secretary to a Minister, and after seven years of continuing in this faithful work you become a Minister. In another seven years, during which time you will have died but probably nobody will have noticed it, you may be qualified for a front bench Cabinet seat. So I say the front bencher is a back bencher who has died sufficiently to be promoted without prejudice to the Party.

MR. GALLACHER: There are many men who have been in Government, and there are many men in this Government, who did not get their promotion because of servility. I would like to mention that prior to the war, Churchill took anything but a servile attitude. He was very strong in opposition on many points. Yet, as soon as the war broke out, not because of servility but because of great experience, he was taken into the Government and later became Prime Minister. It is not right to say that men receive positions in the Government because

of servility, or because they always obey the Party machine.

**QUESTION MASTER:** *Are the Brains Trust of opinion that separate Parliaments for Scotland and Wales would be an advantage to those two countries on the whole?*

**MR. BROWN:** I am all in favour of this. If we had separate Parliaments for Scotland and Wales, the Englishmen in the House of Commons would occasionally be able to get a word in edgeways.

**MR. GALLACHER:** I would very much like to see a Parliament in Scotland but I know it is not a practical proposition at the moment. I have advocated all along that Scottish Members should meet in Edinburgh periodically with representatives of the local authorities to discuss Scottish questions and prepare legislation for submission to the Government on those questions. It is not a matter of how much or how long Scottish Members talk to the disadvantage of English people, although I don't think there are any Scotsmen in Parliament who talk so much as the Member for Rugby (Mr. Brown). He can always get a word in when he wants to. No matter how much Scotsmen talk, nobody can doubt that there is a very serious neglect of Scottish business and Scottish affairs, and a separate Parliament would be a very great advantage to Scotland as a whole.

**MR. CROSSMAN:** I just want to make two points. One is that we ought not to forget that one part of the United Kingdom has already got its own Parliament. If we had Scottish and Welsh Parliaments there would be Welshmen and Scotsmen still in London, unless there is complete autonomy. But what we want for Wales and Scotland is not so much complete self-government as decentralization from London. It is just as bad for certain parts of England. We have much too much cluttering up, and have to find some way of pushing out from London lots of things which come to London

for decision. That is the essential problem and not the question of whether you will have another Parliament. I don't think the Ulster Parliament a great success.

MR. BYERS: To some extent I agree with Dick Crossman, and I don't think one should confuse the issue. I should not like to see completely separate Parliaments for Scotland and Wales divorced entirely from the English Parliament. What I think is wanted is a system of devolution which would give Scotland and Wales a representative body to deal with Scottish and Welsh affairs, leaving affairs that concern the whole of Great Britain to be dealt with at Westminster.

QUESTION MASTER: *Do you consider the present method of voting to be satisfactory?*

MR. BYERS: I don't think it is satisfactory. For obvious reasons I am strongly in favour of proportional representation, and I think you ought to have the chance at an election of marking on your card your second choice. It is possible in this country for a Party to get five or six million votes and still not get a Member in the House of Commons. When that happens, it shows that something is required. In the last election seven and a half per cent. of votes swayed a Conservative majority of two hundred thousand into a Labour majority of two hundred thousand. I believe some form of proportional representation is the right answer and should be introduced.

SIR WILLIAM DARLING: No system of voting will be satisfactory. Parties at the bottom of the poll are always found to favour systems of proportional representation. Whether you have proportional representation, transferable votes, or the present system, you will not get perfection. Perfection is not attainable in human affairs. I am opposed to change because on the whole things work well. The present Government is in office with less than one million more votes than its opponents, but has a majority in the House of Commons

of a commanding character. One must accept that. The proportional representation vote is in use in this country, but I don't think anyone would say that the representation of the universities is better than that of ordinary constituencies. The university Members are elected by proportional voting, ordinary Members by direct.

MR. CROSSMAN: I agree with Sir William for different reasons. I think when you are making up your mind on proportional representation, you have to ask what the voting is for. If you want a system of voting which will enable you to have in Parliament an exact reflection of the different moods of the country, you want proportional representation. But in England we like, if possible, to make a competition between two Prime Ministers, two policies, two parties. Why do we like that? Because we want to decide for five years who is to run the country. If you want stable government, you have to have a consensus of the electorate to a simple "Yes" or "No". If we had an alternative vote, Liberals would get a great many more seats, and we should get a Coalition Government. There is nothing worse than a Coalition Government. I would rather be outvoted by the Tories and have a Tory Government. I like a clear answer, and therefore I do not like proportional representation.

MR. BROWN: There is another reason why I don't like it. Under proportional representation, you must have what are called multi-membered constituencies. Instead of one man sitting for a city, Rugby, you would have twelve men sitting for Warwickshire. That means that the connection between the Member and his constituents would be very much less close under proportional representation than it is under our present system. On the other hand, however, I favour the alternative vote. I think it is quite wrong for a man to sit in Parliament as the result of a three- or four-cornered election representing less than half of his constituency.

I don't like P.R. but I like the alternative vote.

MR. BYERS: I want to correct one thing. Brown thinks there is a difference between the alternative vote and P.R.; but the alternative vote is one form of proportional representation. That is the type to which I refer. I would point out to Dick Crossman that while proportional representation has given instability in France, in another country, Norway, it has produced a stable Labour majority. Denmark also has a stable government. Instability does not follow naturally from proportional representation.

MR. GALLACHER: Before the last election when the matter was under discussion, I voted for the alternative vote, and if the matter was up again, I would continue to vote for the alternative vote. There are several countries besides the one mentioned by Mr. Byers where they have the alternative vote and get a stable government. It is not so serious an issue as some people make out, and if the issue arose I would support the alternative vote as fairer and better than the present one.

QUESTION MASTER: *Does the Brains Trust think that the House of Lords is an efficient check on the House of Commons?*

SIR WILLIAM DARLING: Too little check.

MR. BYERS: Just about right.

MR. CROSSMAN: I don't know how you can say it is too much or too little. We shall see after another year's experience how they will deal with some legislation. But I think it is an excellent revising chamber, doing its function well at the present time. There may be disagreement on some of the amendments to the Transport Bill and things like that; but if you are to guillotine things in the House of Commons, you must have a revising chamber in the House of Lords.

MR. GALLACHER: There is no need for such an anachronism as the House of Lords.

MR. BROWN: I think that in every democracy that exists in the world, one feature is a second chamber, and I

think we ought to have a second chamber in England. The real question is, has that chamber got too much power? My answer is that I would sooner have a House of Lords with very limited power than an elected Senate, as in America, with vastly greater powers. I think we are about right in England on this matter as on most other things.

**QUESTION MASTER:** *Should there be more facilities for visitors to the Strangers' Gallery of the House of Commons?*

**SIR WILLIAM DARLING:** Certainly. Sixteen members of my constituency visited the Chamber to-day, and I spent the greater part of the afternoon finding them seats. There are very few seats available and I should like more.

**MR. GALLACHER:** It is very desirable that all who can find their way to the House of Commons should make an effort to get into the Gallery during sittings and see how work is conducted. But you should be careful to choose a day when you will understand the proceedings. There was a foreigner who had a seat in the Strangers' Gallery the other day. When he came down he asked the policeman, "Is this the English Parliament?" He had studied the English language but did not understand a word of what they had been talking about. Those who do not understand the Scottish tongue should see that they do not choose a Scottish day.

**QUESTION MASTER:** *Does the Brains Trust think it is wise to have so many young Members in Parliament as at the last election, or does it think all Members should be of mature age?*

**SIR WILLIAM DARLING:** I have no objection to young Members of the House of Commons if they can scramble in; but they often commit themselves to an unsatisfactory career which they cannot hope to continue. The right age is fifty or sixty.

**MR. GALLACHER:** It is always very desirable to have young

people in politics, young people who have lively enthusiasm. I used to have it said to me when I was young, "Wait till you are older; you will forget a lot of these things". But it is very desirable to have young people with enthusiasm and great stores and reserves of energy. At the same time, there are young people, and we have one or two in Parliament, who are young in years but old in manners, old in habits and old in mentality; while it is possible to get what is called an elderly man still retaining a youthful attitude. I am all for the young people: I would give way to the young at any time. I want to see them alive, enthusiastic and filled with desire to serve a good cause.

MR. BYERS: Speaking at the tender age of thirty-one years, I think it is absolutely vital to have a complete cross-section in the House of Commons, young, middle-aged, fifty, sixty, sixty-five. There is one big snag; if you get into Parliament young, you should have something to fall back on if you are defeated at the next election. It is wise to make certain that you have a second string to your bow before going into the House of Commons. But it would be a bad thing if no one entered it under fifty.

MR. BROWN: There is no necessary connection between mental age and number of years. Churchill at seventy-three is still a boy. Pitt at twenty-three was one of the most able Prime Ministers we ever had. There is no necessary connection between age and ability or mental youth. You can have a fellow like Gallacher who has never emerged from his youth, is still as enthusiastic and misguided as in his early days. Others like Sir William Darling are bright and breezy and always helpful. We want them all, old and young, long and short, and all the rest.

QUESTION MASTER: *Does the Brains Trust favour a franchise based on intellectual ability?*

MR. BYERS: No.

MR. BROWN: I am strongly against that. Who is to set the examination? Who is to say what constitutes intellectual ability? If it is a written examination, Churchill would not have got into the House of Commons. I don't think Pembroke would have got there, and I am quite sure that I would not.

SIR WILLIAM DARLING: Brown has omitted the fact that there is an intelligence test, and under certain circumstances if you can pass it, you have two votes. An ordinary citizen like myself has only one vote, but a citizen like Crossman, because he has a vote for his university as well as his constituency, has two. There is a qualitative test, and a person of a certain standard of education has two votes which ordinary citizens have not. I rather favour that.

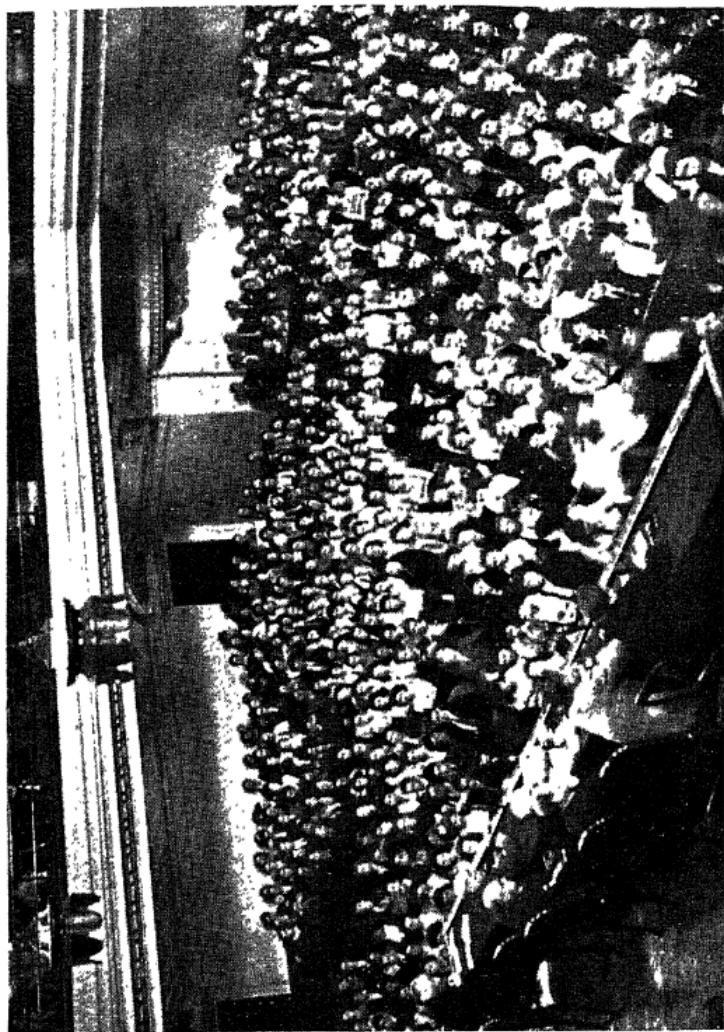
MR. CROSSMAN: I very much hope that in the next session we shall abolish plural voting altogether.

QUESTION MASTER: *There is much talk in the air of reform of the House of Lords. Are the Brains Trust in favour of the reform of the House of Lords?*

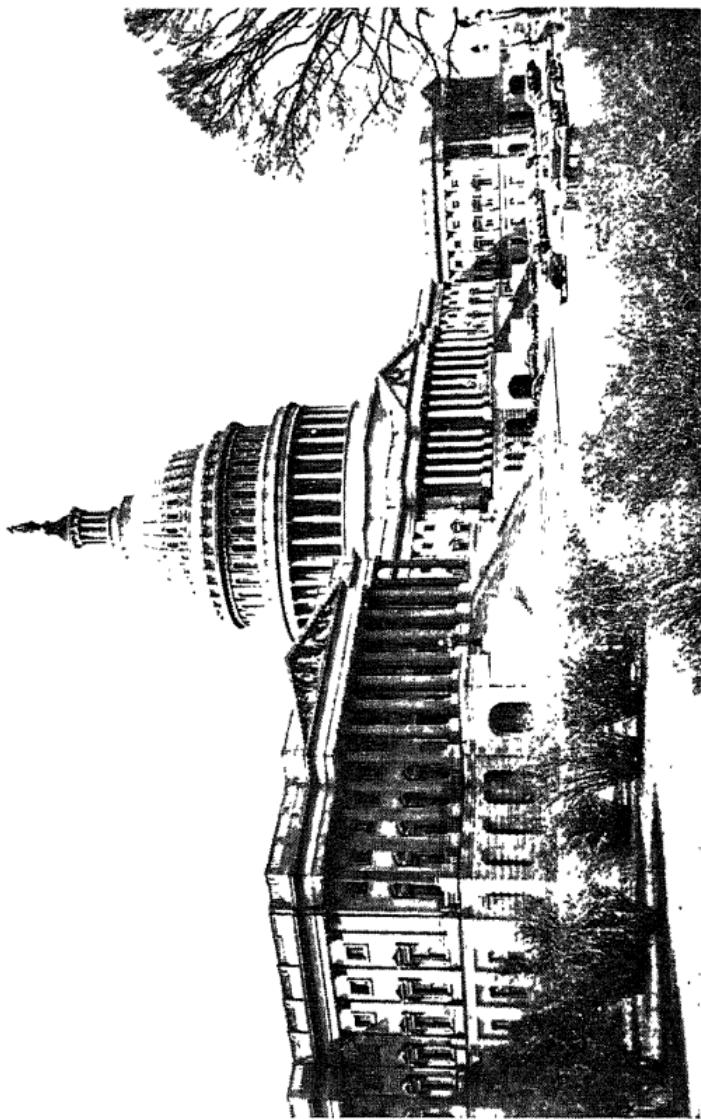
MR. CROSSMAN: I would rather keep this House of Lords and have trouble with it than have a new one with which we should have more trouble.

MR. GALLACHER: Thirty years ago I made up my mind on this subject and I have never come across anything in the history of the House of Lords to cause me to change my opinion. I would not reform, I would destroy.

SIR WILLIAM DARLING: I favour the House of Lords, but I should favour it more if it had not been filled in recent years by such a large number of Liberal and Socialist adherents.



Hansard Society Youth Conference, 24th June, 1947, Central Hall, Westminster.



The U.S. Capitol in Washington, D.C.

*Courtesy: U.S. Information Service*

## LEGISLATIVE BUILDINGS OF THE WORLD—I

### THE UNITED STATES CAPITOL

THE United States legislatures, known as the Capitol, are situated on Jenkins Hill in Washington, District of Columbia. Prior to the revolutionary period, the area of land along the Potomac River which is now the seat of the Federal Government consisted very largely of country manors and plantations. In 1791, President Washington selected in this district a piece of territory ten miles square as the site of the national capital.

The Continental Congress led a nomadic existence in the last decades of the eighteenth century. During the single year 1777 it had convened at Baltimore, Philadelphia, Lancaster, and York. On one occasion, in 1783, it had been meeting comfortably in Philadelphia when some mutinous soldiers burst in and demanded their long-overdue pay. The Congress beat a hasty retreat to Princeton in New Jersey, but this place soon became so overcrowded that it was decided to construct a new and permanent Federal capital.

There was, not surprisingly, immediate disagreement on the choice of a site, both the North and the South claiming the privilege of providing a home for the nation's capital. Discussion continued, often acrimoniously, from 1783 to 1790, until eventually it was decided to build the capital city somewhere in the Potomac region, the final choice being left to the President. Maryland and Virginia agreed to cede to the nation the territory chosen for the capital, and also to provide some funds for the construction of public buildings.

The basic plan for the city of Washington, so named after the first President, was prepared by Major Pierre Charles L'Enfant, a civil engineer of French origin and an *aide-de-camp* of General Lafayette. It was an extremely ambitious plan for a fine city with broad, tree-lined avenues. Jenkins

Hill, 88 feet above the level of the Potomac, was selected as the site for the Capitol. L'Enfant eventually became embroiled with a local landowner who had begun work on a new manor house which interfered with the general plan. He was dismissed in 1792 and offered \$2,500 for his work. He refused this, and passed into obscurity, dying in 1825, impoverished and embittered. Eighty-four years later, his body was removed from an obscure cemetery in Maryland and given a national burial in Arlington Cemetery.

In 1792, it was announced that a prize would be offered for the best plan for the Capitol. The winning design was submitted by Dr. William Thornton, an amateur architect. The style is described by Talbot Hamlin in *Greek Revival Architecture in America* as "a new and basically non-English classicism". On 18th September, 1793, President Washington laid the northwest foundation stone with fitting masonic ceremonial. He wore an apron embroidered by Madame Lafayette.

Work was continued on the building under the direction of Dr. Thornton. When the Federal funds were exhausted in 1796, money was raised in Maryland by means of a State lottery. By 1800, the North wing, a rectangular building to-day known as the Supreme Court section, was completed, and it was possible for Congress to move from Philadelphia. On 17th November, the second session of the Sixth Congress convened in the new Capitol.

Work was next undertaken on the South wing, destined for the House of Representatives and now known as the Statuary Hall section. Progress was so slow that within the area of the foundation walls there was constructed a single-storey, elliptical-shaped brick building with an arched roof. Because of the intense temperature inside, this temporary erection soon became known as "The Oven". It was used by the House of Representatives until 1804.

In 1803, Benjamin Henry Latrobe, the well-known architect, was appointed Director of Works by President Jefferson, himself an accomplished architect. Latrobe had won a remarkable reputation for himself in London and had been

offered the post of Surveyor-General. After the death of his wife, he became restless and left for the Western hemisphere, but he never settled down. Ambitious and self-opinionated, he made enemies easily. He designed many American buildings, including the Bank of Pennsylvania in Philadelphia, the Roman Catholic Cathedral in Baltimore, the Pittsburgh Arsenal, the Louisiana Bank in New Orleans, St. John's Episcopal Church in Washington, and Decatur House in Washington (for Commodore Decatur who coined the phrase "our country, right or wrong").

Latrobe proceeded with the South wing which was to be used by the House of Representatives. The original North wing and the new South wing were joined by a wooden arcade where the rotunda was built later. The South wing was used by the House of Representatives from 1807-1857. It is a semi-circular room, 96 feet in diameter, with Corinthian columns. Latrobe had considerable difficulty in securing competent sculptors for the work. In 1805 he wrote to Philip Mazzie, an Italian doctor, as follows:

"By direction of the President of the United States I take the liberty to apply to you for your assistance in procuring for us the services of a good sculptor in the erection of the public buildings in this city, especially the Capitol.

"The Capitol was begun at a time when the country was entirely destitute of artists, and even good workmen..."

For seven years, from 1857-1864, the South wing was unused, but it was finally decided to dedicate it as a national Statuary Hall. It now contains statues of distinguished citizens from most of the forty-eight States.

Work was continued with the remainder of the building until 1814 when there occurred the incident which is much better known in the United States than in our own country. During the war between Britain and the United States, a force of British regulars under General Robert Ross landed at Benedict in Maryland, forty miles from the capital. They marched into Washington, the Americans in retreat, and set fire to most of the public buildings, including the

uncompleted Capitol building and the Executive Mansion, later re-named the White House by President Theodore Roosevelt. Much damage was done, and Congress was forced to move temporarily to Blodgett's Hotel. Later Congress met in a temporary brick building erected by a group of public-spirited Americans until the restoration of the Capitol in 1819. The construction of the central rotunda began in 1818 under the direction of Charles Bullfinch who had succeeded Latrobe, and was completed by 1827.

No further work was undertaken until 1850 when Congress authorized the construction of two extensions. The plans were prepared by Thomas U. Walter of Philadelphia and included the construction of a large metal dome in place of the low wooden dome planned by Thornton. The foundation stones were laid on 4th July, 1851, by President Fillmore. The House extension was first used for legislative purposes on 16th December, 1857, and the former home of the House of Representatives remained unoccupied until its conversion into Statuary Hall. The Senate extension was first used on 4th January, 1859, and the former Senate Chamber became the home of the Supreme Court.

The cast iron dome of the central rotunda was completed in 1865 and cost more than one million dollars. It is crowned by the 19-foot bronze Statue of Freedom, modelled in Rome by Thomas Crawford, a well-known American artist and the father of Francis Marian Crawford, the novelist. Crawford tried to get the model cast in the Royal Foundry at Munich but was unable to secure the necessary funds. After his death in 1857, it was decided to transport the plaster model from Leghorn to New York. It was almost lost at sea, but it finally arrived in Washington in April, 1859.

There had been some dispute about the headgear of the statue, and Jefferson Davis had insisted that Crawford remove the original Phrygian cap which, as a symbol of liberty, might have been misunderstood by the negro slaves of America. Crawford replaced the Phrygian cap by a crested helmet, with the result that the figure to-day is often taken to be that of a feather-decked Indian warrior. The statue was cast by

Clark Mills at his foundry in Bladensburg, and was hoisted into position on the Dome on 2nd December, 1863. Crawford received \$3,000 for the plaster model.

The House Chamber, 139 feet long, 93 feet wide, and 36 feet high, forms the main room of the House Extension. The Speaker sits on a marble dais facing the semi-circular rows of seats. The Representatives have no reserved places. The Great Mace of the United States rests on a pedestal on the Speaker's right. It is removed from its pedestal when the House meets as a Committee of the Whole, a formality reminiscent of British procedure. In this Chamber both Houses of Congress meet to hear messages from the President.

The Senate Chamber is 113 feet long, 50 feet wide, and 36 feet high. The President sits in a carved chair on the dais. The other chairs on the dais are used by the Sergeant-at-Arms, the clerks, and the Secretaries. Page boys who run errands for the Senators sit about the dais. The Senators sit at reserved desks arranged in semi-circular rows, the Democrats to the right and the Republicans to the left of the President. There are galleries with accommodation for 682 persons—members of the diplomatic corps, relatives of Senators, the Press, and members of the public.

The complete Capitol is 750 feet by 350 feet, and occupies three and a half acres. The central rotunda is constructed of sandstone from Aquia Creek, Virginia, painted white, and the extensions are of white marble from Lee, Massachusetts and Cockeysville, Maryland. The whole building cost eighteen million dollars: it is now valued at more than fifty million dollars. It has been improved and renovated from time to time. Steam heating was introduced in 1865, lifts in 1874, fireproofing in 1881, electric light in 1882, and modern drainage in 1893. Repairs and replacements to parts of the roof were undertaken in 1941.

In addition to the Capitol there are three blocks of office buildings for members of Congress. The Old House Office Building was finished in 1908, and another storey was added later. Each Representative is provided with a two-roomed suite of offices. The New House Office Building was completed

in 1933. It provides office accommodation for 250 Representatives, and also includes committee rooms. The Senate Office Building was begun in 1906. Each Senator has a furnished office suite of at least three rooms.

The City of Washington occupies an anomalous position as it is not situated within the territory of any of the forty-eight States. To distinguish it from the hundreds of other towns and villages called Washington, as well as the State of Washington, it is known as Washington, D.C., or District of Columbia. The United States Constitution provides that Congress shall exercise legislative authority in Washington in order to ensure that the national capital shall be free from local control. Residents have, in consequence, no vote in either federal or municipal elections.

S. D. B.

### AN AMERICAN'S CREED

"I believe in the United States of America as a Government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a Republic, a sovereign Nation of many sovereign States; a perfect Union one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies."

—William Tyler Page (1868-1942). Page, who was a descendant of Carter Braxton, one of the signatories of the Declaration of Independence, and of John Tyler, President of the United States 1841-1845, was appointed a page in the Clerk's Office of the U.S. House of Representatives at the age of 13, and was in the continuous service of the House for 60 years. He was elected Clerk of the House in 1919, and was re-elected in each succeeding Congress until 1931. He then became Clerk to the minority in the House.

## THE MEMBER OF PARLIAMENT AND HIS CONSTITUENCY

by Sir HERBERT WILLIAMS

*(Sir Herbert Williams has been actively engaged in local and national politics for the past thirty years. He was M.P. for Reading from 1924-29 and for Croydon South from 1932-45: he was Parliamentary Secretary to the Board of Trade from 1928-29. He has also had extensive experience in the engineering industry and has published a number of books on economic matters. He has been Chairman of the Executive, London Conservative Union, since 1939, and is the Honorary Secretary of the Empire Economic Union.)*

THE relationship between a Member of Parliament and his constituency is much the same whatever party the M.P. belongs to, but as I was in Parliament as a Conservative I shall look at the matter from that point of view.

Before a man can become a Member of Parliament, he has to be adopted as a candidate. With a few exceptions, anybody can contest a parliamentary election<sup>1</sup> provided he can find ten electors in the constituency to sign the nomination paper and can make a deposit of £150 which is forfeited if the candidate fails to secure one-eighth of the votes polled. This provision is intended to prevent frivolous candidates from presenting themselves for election. Most candidates for territorial constituencies represent one of the major political parties,<sup>2</sup> and I will describe the normal procedure for selecting a Conservative candidate. I believe that the Labour and Liberal Parties proceed in a similar manner.

When a Constituency Association wants to adopt a candidate, the usual practice is to appoint a Selection Committee. This Committee first considers whether there is a

<sup>1</sup> Those who are disqualified from membership of the House of Commons include aliens, infants, lunatics, idiots, bankrupts, traitors or convicted felons serving sentence, peers (except Irish peers not in the House of Lords), clergy of the Roman Catholic and the two Established Churches, certain judges, and civil servants on the active list.

<sup>2</sup> "At the 1945 Election there were 1,608 party candidates as against 75 independents, of whom 626 and 14 respectively were elected." Strathearn Gordon in *Our Parliament*: published by the Hansard Society.

suitable local candidate. In urban areas there is usually a preference for strangers rather than local people. This is partly due to the human factor of jealousy and partly to the New Testament principle that "a prophet is not without honour, but in his own country and among his own kin". Rural constituencies, on the other hand, tend to prefer a person who lives in the constituency even though he is just as much a stranger to the majority of the constituents as a man brought in from outside.

If the Selection Committee have no candidate in mind, they will probably ask their party headquarters to suggest a list of suitable people. After considering the rather inadequate biographies attached to the list, the Committee will select a number of them for interview. The aspirants for Parliament will meet the Committee, be asked to make a statement of their views, and will answer questions put by members of the Committee. On the basis of these interviews the Committee will select a candidate. In other words, Parliamentary candidates are selected in much the same way as office-boys.

Sometimes the office-boy procedure is not followed. In this case, the Chairman of the Constituency Association is commissioned to find a candidate and present him to the Selection Committee for consideration. In my own case, whenever the Chairman was entrusted with the task I have been selected, and where the office-boy technique has been used I have been rejected.

Many curious factors play a part in the selection of candidates. Sometimes the religious affiliation of a candidate is important, not because the members of the Selection Committee are bigoted but because they believe that the majority of constituents would prefer a candidate from a particular denomination. A married man with children usually makes a strong appeal, but I recall a case where it was almost a *sine qua non* that the candidate should be unmarried. This was because the Liberals had put up a most attractive bachelor at the previous election and he had captivated all the flappers!

Unless a General or By-Election is imminent, the person selected is not a candidate but a *prospective* candidate. This is

because there is a legal limit to the amount of money a candidate may spend on fighting an election,<sup>1</sup> and expenditure incurred by a prospective candidate is not now regarded as part of the actual election expenses. There was in the past some doubt as to when an election actually begins, but two cases decided half a century ago made it clear that election expenses only begin when an election is in view<sup>2</sup> and that political associations are entitled to have salaried agents and to defray the expenses of political meetings and advertising.<sup>3</sup>

Until about a century ago, enormous sums of money were spent on fighting elections or, to be more precise, on bribing voters. Lord Shaftesbury (then Lord Ashley) spent £15,000 in 1831 in order to fight the election at Dorset, 80 per cent. of the total being paid to public houses and inns for free drinks to prospective supporters. Even so, he lost the election. Cobbett was one of the pioneers of the movement to prevent election bribery. "As it is my firm intention never to receive a farthing of public money, so it is my determination equally firm, never, in any way whatever, to give one farthing of my own money to any man, in order to induce him to vote, or to cause others to vote, for me".<sup>4</sup> Lord Cochrane, who fought Honiton in Devonshire with Cobbett's backing, was told by one elector that he was an independent, not a party man. "I always votes for Mister Most." Cochrane refused to bribe the voters and was defeated, but after the election he insisted on making a present of £10 (double the current price) to all who had supported him. At the next election Cochrane was returned. His supporters naturally expected the same generosity as on the last occasion, and were deeply hurt when Cochrane announced his policy: "Not one farthing."<sup>5</sup>

<sup>1</sup> The Speaker's Conference (1944-45) recommended that the maximum amount which may be spent on fighting an election for an average constituency should be reduced from £1,125 to £675.

<sup>2</sup> Elgin and Nairn, 1895. See *Wooding's Conduct and Management of Parliament Elections* by H. F. Oldman and J. Manus: 1933 edition, pp. 228-9.

<sup>3</sup> Lancaster, 1896. *Ibid.* p. 233.

<sup>4</sup> *Political Register*, 7th June, 1806.

<sup>5</sup> See *The Autobiography of a Seaman*, by Thomas, Tenth Earl of Dundonald (Lord Cochrane).

When once an election campaign has started, responsibility for contesting the seat rests with the candidate and his agent. Often the Association is dissolved for the period of the election to ensure that only the expenditure of the candidate and his agent are taken into account in assessing election expenses.

We will assume that our candidate has been successful and has been declared by the Returning Officer as elected. He is then expected to make a speech from the Town Hall steps, after which, if he is lucky, he is suitably refreshed by his enthusiastic supporters. This can be a most trying experience because all his most robust supporters thump him on the back until he is nearly unconscious.

Soon after the election, the Member will proceed to the Palace of Westminster, though he will have no official intimation to do so. He is supposed to read the official Gazettes published on Tuesdays and Fridays in London and Edinburgh, and is therefore presumed to know that he has been summoned to Westminster. He will, in addition, receive a letter from his Party Leader asking him to be present on the prescribed day. If it is a new Parliament, the Speaker takes the oath, and then the other Members do the same. The Clerk of the Crown in Chancery delivers to the Clerk of the House a book containing the names of Members appearing in the returns to the writs issued.<sup>1</sup> The Member, however, will find that he has no documentary evidence that he is entitled to be there and nobody to identify him as the person who has been elected for the constituency he represents. I have often wondered what would happen if some individual who was familiar with Parliamentary procedure, but not known to the officers in any way, were to chance his arm and get sworn in. The bluff would probably come off, but no doubt later he would be judged guilty of a gross breach of privilege, and sent to the Clock Tower, which in practice, I believe, is Brixton Jail.

The election address of an M.P. outlines his principles, policy and programme, and this document represents what

<sup>1</sup> In the case of a by-election, the Member hands in a certificate obtained from the Public Bill Office. See *Constitutional Law* (p. 49) by A. Berriedale Keith. Stevens. 1947.

might be called his contract with his Constituency. Once elected, however, he does not represent only those who voted for him but also those who voted against him and those who did not trouble to vote at all. Edmund Burke's famous speech to the Electors of Bristol on 3rd November, 1774, is the classic statement of a Member's obligations. "Parliament is not a congress of ambassadors from different and hostile interests . . . Parliament is a deliberative assembly of *one* nation, with *one* interest, that of the whole. . . . You choose a Member indeed: but when you have chosen him, he is not a Member of Bristol, but he is a Member of *Parliament*."<sup>1</sup>

Thirty years earlier, Sir William Yonge, speaking in the House of Commons, had expressed the same view. "After a gentleman is chosen, he is the representative, or, if you please, the attorney of the people of England, and as such is at full freedom to act as he thinks best for the people of England in general. He may receive, he may ask, he may even follow the advice of his particular constituents; but he is not obliged, nor ought he, to follow their advice, if he thinks it inconsistent with the general interest of his country."<sup>2</sup>

The new M.P. will soon discover the truth of these statements from his post-bag. Aggrieved constituents will write to him about their pensions, local housing difficulties, and a hundred and one other matters. Some can be dealt with quite simply by an appropriate letter to the Minister concerned: others require more time and a detailed reply: many are concerned with matters about which the Member can do nothing. During the war, the burden of correspondence was a very heavy one, and I understand that Members of the present Parliament find it even heavier today because of the great variety of individual problems affecting constituents.

At first an M.P. does not know what to do with the bulk of the letters that come to him. After a time he will, by consultation with older Members, discover the best procedure. No M.P. can do his job properly without secretarial assistance,

<sup>1</sup> Quoted in *The Citizen and Government* by John A. Hawgood. Nicholson and Watson. 1947.

<sup>2</sup> Quoted by Gordon, *Op. cit.*

and with the present remuneration, Members can afford this. Although there has been some criticism of the increase of M.P.s salaries, I think in the long run it is to the public advantage.

Every M.P. has got to develop his own methods of handling his job. Each morning he receives the Order Paper of the day which contains all the questions of which Members have given notice and which are to be answered, together with a statement of the Bills, Resolutions or whatever it may be that are down for consideration that day. Many of the items on the Order Paper are not, in fact, going to be dealt with but are carried forward from day to day, but the Member will have learnt from the statement of business made every Thursday by the Leader of the House what is planned, and in addition he will receive from his party Whip every morning a statement of the business which it is intended shall be taken.

An M.P. receives a great deal of correspondence about the business which is to be transacted, first of all from the people who want him to vote for or against a particular Bill or Resolution, or those who want him to support or oppose particular Amendments to any Bill which may be down for consideration in Committee, or perhaps requests that he should propose an Amendment. This correspondence often causes far more work than is involved in requests for help in connection with personal grievances. The ordinary man-in-the-street who writes to a Member of Parliament tends to look at the problem as to how it may affect him personally. The M.P. has got to consider the effect not merely on the particular individual or even on his Constituency as a whole, but on the general public interest.

Many constituents ask their M.P. for an interview. I often had six or seven requests in one day, and as a rule I refused them and asked the people to put in a letter the nature of their troubles because in nearly all cases what the constituent wanted you to do was to put his trouble before some Minister, and this had to be done in writing. As it had to be written out in any case I always suggested that the constituent, rather than the Member, should do this because the former knew all about it. The real reason constituents ask a Member for an interview is

that they think that if he does not see them, he will not deal with their case. Having known about 3,000 Members of Parliament of all political parties, I believe that the bulk of them can be relied upon to do what is necessary whether they see the aggrieved constituent or not. On the other hand, there are certain problems which cannot be dealt with in writing and in those cases every wise M.P. arranges for an interview. Here I come to a grievance. Members of Parliament are all exceedingly busy persons. There are in the House of Commons, apart from the actual business in the Chamber, all sorts of meetings which are being held in the Committee Rooms, and the ordinary Member has quite a heavy programme which he can only get through provided he sticks to his time-table. My experience is that members of the public are more unpunctual at keeping an appointment in the House of Commons than in any other direction. Therefore I am making a plea in this article to members of the public that, whenever they have an appointment to see an M.P. at the House, they should be there at the precise moment.

The most inconsiderate people are those who come as a deputation on an important issue without previously making an appointment. The Central Hall and Lobbies of the Palace of Westminster are not very convenient places in which to receive a deputation. There are, however, a certain number of rooms which Members can book for the purpose of meeting a deputation, but this can only be done if the Member has advance notice and has agreed upon a time.

An M.P. is, in a way, rather an important person. Each one represents 1/640th part of the population and has a duty to each one of his constituents, and in addition, for the reasons given by Burke and Yonge, a responsibility to every inhabitant of the United Kingdom. He is entitled to some consideration since he has so many masters. In my case, when I was M.P. for Croydon, I had 80,000 masters so that each one of them, in seeking to treat their M.P. as their individual servant, might conceivably prejudice the legitimate interests of the other 79,999.

## THE JAMAICAN EXPERIMENT<sup>1</sup>

by G. LOUIS BYLES, J.P., Barrister-at-Law

(*Clerk of the Parochial Board of St. Ann, Jamaica*)

ON the 20th November, 1944, the Governor of Jamaica made a declaration to the people of Jamaica and its dependencies, the small neighbouring Cayman Islands and the Turks and Caicos Islands. He told them that as from that day the Colony had been granted a new Constitution, by order of His Majesty the King in Council, and that thereafter the Colony, one of the oldest in the British Empire, would be governed in accordance with the terms of this Order.

Thus came to an end the form of government by which Jamaica, the largest of the British West Indian Islands, with a population of roughly one and one quarter million people, had been governed since the year 1884, and thus started what Colonel Oliver Stanley, then Secretary of State for the Colonies, termed "an experiment in colonial administration."

What were the reasons for the change? How far-reaching do the changes go? What will they mean to the Colony? All these questions are still on the lips of people, both inside and outside the West Indies, after more than three years have elapsed out of a five-year period for which the Constitution

<sup>1</sup> Editorial Note. Certain important developments have taken place since this paper was prepared. The House of Representatives has decided by a unanimous vote to appoint a commission to draft proposals for the further political advancement of Jamaica. Another resolution asks that powers be given to the Ministers to compel the heads of departments to carry out the decisions of the executive. The effect of this would be to make Jamaica entirely self-governing, subject only to the Governor's right to "reserve" Bills for the consideration of the Secretary of State. A conference on West Indian federation was held in September, 1947, attended by 22 delegates representing 3 million people in the British West Indies. All the delegates, except the one from British Guiana, accepted the principle of a British Caribbean Federation, and recommended the creation of a special committee to report not later than 30th June, 1949, on the form of a federal constitution and judiciary, and the means of financing federal services.

has been given, and at the end of which the position is to be "reviewed".

What, generally speaking, are the reasons for the political changes? I suppose the real reason is that a sufficient majority of people have begun to think sufficiently strongly that the system that suited them or their forbears in the past no longer satisfies them in the conditions under which they live. They have grown out of their clothes, so to speak, and a new set of garments must be provided to suit their lengthening limbs.

That was the case with Jamaica. A great deal of change had taken place over the sixty years since Queen Victoria issued an Order in Council giving to Jamaica a single-chamber legislature, composed of an elected as well as an official and nominated element, with the latter having superiority in numbers, and consequently being in a position, at the direction of the Governor—who himself had great and far-reaching powers in the last resort—to out-vote the elected members. This power might have been used more often than in fact it was; but it was there, and as Jamaica began to stir in her sleep she saw and felt the ropes that bound her limbs, and cast about for freedom and a loosening of the external control.

Thus for years voices were heard in Council and at political meetings, clamouring for greater responsibility and a wider franchise. Then in 1936-37 things came to a head. Widespread economic distress, which was the occasion for political agitation, set thousands on the march. A Royal Commission, headed by the late Lord Moyne, was sent to the West Indies to look into matters. The whole island felt the atmosphere of history in the making.

The Royal Commission took evidence of conditions and read hundreds of memoranda from all classes of peoples and bodies. They left behind them two main impressions: (1) That they were shocked at the absence of long-term planning for the development of the West Indies, politically, socially and industrially; (2) that they intended to see that things were improved.

Unfortunately, war broke out and publication of the Commission's report was deferred. This did not, however,

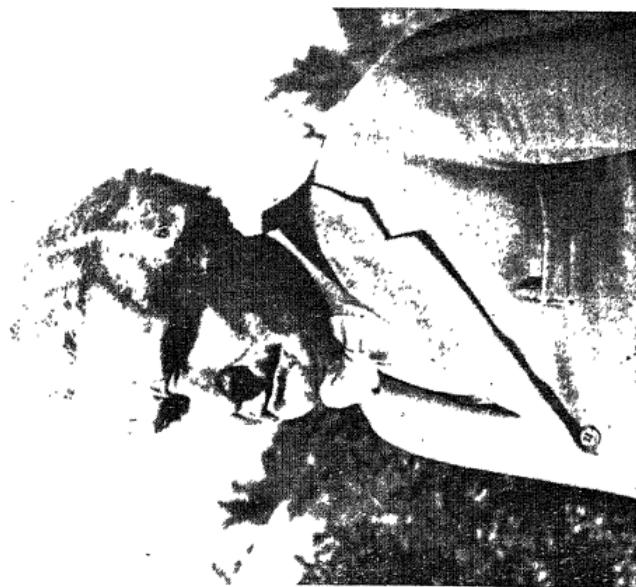
prevent their urgent recommendations being given consideration by H.M.G., and to our great surprise and delight it was soon made apparent that an important recommendation—a new Constitution for Jamaica—was to be proceeded with despite the war. Diplomatic suggestions for an improved form of government were invited by the Colonial Office, and political parties in Jamaica became more active than ever before. Everybody in Jamaica seemed to be trying his hand at Constitution-making for submission to Downing Street.

It was interesting to see the diversity of opinions for a new Constitution. Some people wanted immediate self-government and universal adult suffrage. Others would have been content with more responsibility as a first step towards self-government, and an expansion of the franchise, rather than universal adult suffrage. They argued that Jamaica should lower her illiteracy rate (put at fifty per cent. of the population by some people) before she took on the responsibility of universal adult franchise without qualification.

It seemed that deadlock had been reached on the question of what suited Jamaica, when someone suggested that the various protagonists should get together, pool their ideas, and send forward a single document representing all political thought, on the basis of what was right for the country rather than whose opinion should prevail. This idea caught on and the various parties and organizations sent representatives to a series of joint conferences, from which the united views emerged to convince Downing Street that Jamaica was united in what she wanted.

It is my considered opinion that it was really that demonstration of a Colony with a united mind which urged Downing Street to choose Jamaica for its “experiment in colonial administration”, even more than the obvious fact that the island had grown out of its infant clothes, and that there was leadership in the country capable of a far greater measure of responsibility than the Constitution then afforded.

On the 14th December, 1944, the first general elections under the new system were held, and the “experiment” commenced in real earnest. Perhaps the simplest method of

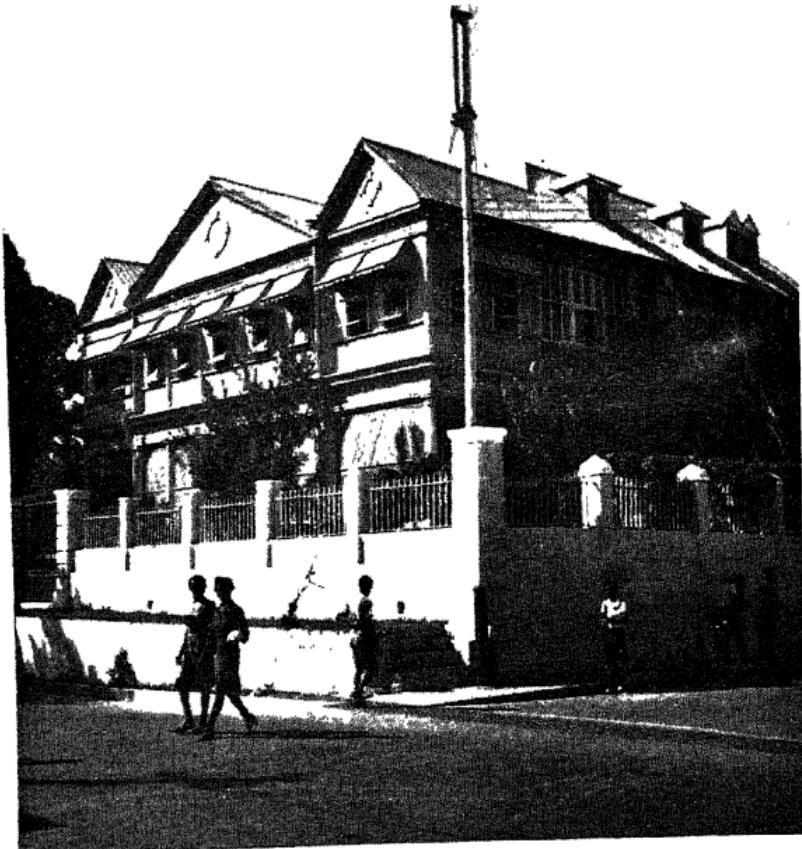


Alexander Bustamante, leader of the Workers' Party.



Norman Manley, K.C., leader of the Socialist People's Party.

Courtesy: E. O. Hoppe, London,



The Jamaican Secretariat in which the House of Representatives meets.

*Courtesy: E. O. Hoppe, London*

showing how far-reaching the new changes are is to attempt in general outline a comparison of the old and the new Constitutions.

The major change under the new scheme is the far-reaching, and, to some, the courageous response of the Colonial Office to the clamour of the majority of the people of Jamaica for universal adult suffrage. Under its present Constitution any man or woman of twenty-one years and over, resident in the Colony, is a qualified voter. On this question there had been much argument and hundreds of letters and articles were written, some against, but the majority for.

The fears of the minority were that there was a great danger of the illiterates not appreciating the value of their votes and being swayed by political promises and the shouting of the most vocal. They would either extend the existing qualifications (which embraced men of twenty-one and over, who paid at least 10s. direct tax, and women of twenty-five and over, who paid the tax and were literates) or they would go further and abolish the tax qualification altogether, but impose an all-round simple literacy test.

The view of the majority was that by far the greatest number of adult citizens of the colony were denied their political rights by the restricted franchise (by universal adult suffrage approximately ten times as many people became voters, as under the previous franchise), and as a consequence elected representatives did not truly represent the ideas of the population as a whole. They felt that, given the opportunity and the correct lead, the ordinary citizen would honour his responsibility and respond to the call for the highest use of his vote. Mistakes would be made at first, they felt, but as the citizen saw the real issues facing his country, he would grow up politically, and become more and more conscious of his duty to put the interest of his country before self-interest, and be quicker to detect the true qualities of leadership in political aspirants.

The Secretary of State was convinced by the majority voice, and universal adult suffrage is the basis of the Jamaican Constitution, and the hope of millions of other colonials in

different parts of the Empire, who watch the experiment in Jamaica with the deepest interest.

The first hurdle was taken on 14th December, 1944, when Jamaica went to the polls; 389,109 votes were cast, out of a total of 662,997 electors, as compared with an electorate of only 73,230 in 1943.

Under the Victorian Constitution, Jamaica had a single chamber legislature—the Legislative Council—over which the Governor, appointed by the King, presided. This Legislative Council was the main organ of government. It was composed of 14 members elected by the tax-qualified voters, and 15 official and nominated members. Among the Government side of the House were the five heads of the chief departments of the Civil Service—the Colonial Secretary, the Island Treasurer, the Attorney-General, the Director of Public Works and the Director of Education. The other ten members were men nominated by the Governor from among the general body of leading citizens of the colony.

The name “Legislative Council” was somewhat of a misnomer, however, as its legislative powers had a very narrow orbit. In actual effect the policy of government, fiscal and administrative, the laws of the country, and indeed the entire administration, were all settled by the Governor and heads of the Civil Service before presentation to the Legislative Council, whose function it then was either to criticise or to approve. As a leader in the *Daily Gleaner*, Jamaica’s leading newspaper, put it:

“The previous political system gave the people of Jamaica and their representatives no share in the direction of the Island’s affairs except as critics. The fact that they did exercise a microscopic influence over executive policy was due, not to the virtues of the constitution, but to concessions from their own powers made by successive governors.”

I think it is fair to say that in actual practice the elected representatives did exercise a certain amount of initiative in administration, under the convention of what was known as “the power of the nine”. It was recognized by Governors that

the vote of any nine elected members voting solidly for or against a financial measure should be accepted. However, no more need be said to show that at all events the Government could do very much what it liked under the old Constitution, subject always, of course, to the final word from Downing Street; and that the people's representatives had very little, if any, original and authoritative voice in the administration. Their power resembled, to some extent, that of a minority opposition.

But this state of affairs was not by any means the most irksome to the colony. The shadow which always hung over the country like the sword of Damocles, was that clause in the Constitution known as "the paramount importance clause", and which, to some extent, still remains a part of the new structure.

Under this clause the Governor could, by declaring any measure to be, in his own independent judgment, a matter of "paramount importance" to the good government of the colony, override the wishes of the Legislative Council, or the "power of the nine", or even, in certain extreme cases, act without referring the matter to the Legislative Council at all. Thus the Governor enjoyed (and still enjoys) a considerable margin of discretionary power on his own account.

The exercise of this reserve power was only subject to the eventual confirmation by the Secretary of State for the Colonies; but experience showed that this confirmation was very seldom, if ever, withheld. For the most part the whole system depended on the ideas of the Governor. If he happened to be a man of liberal or tolerant views, he very seldom, if ever, employed this power, and would allow the Government side the freedom of their vote on most occasions; but if the Governor was a man of autocratic tendencies, it was easy to see what could happen.

From November, 1944, these old clothes were discarded, or rather I should say, most of them were. Something died and something new was born. The new Jamaican Constitution, the thing we had dreamed of, written about, wept over, cheered for, and for which many illustrious sons and daughters

of Jamaica had devoted their lives, became a reality. But its impact was not to be felt until one month later, when for the first time in their lives thousands of citizens had the right and privilege to select the members for the new House of Representatives which had taken the place of its much thwarted predecessor, the pre-1944 Legislative Council.

To the great mass of Jamaicans the new Constitution, up to then, meant two things: (1) For the first time in their lives they were welcome visitors to a polling station and could command a say in who was chosen to serve them in the Government in Kingston—the island's capital. No one who has not had this chance, but longed for it, can appreciate adequately the joy and pride this right brings to the man or woman who for the first time is handed a slip of voting paper—one of the great symbols of the democratic form of government.

(2) For the very first time in the history of the West Indies an election had been fought on a party basis. The three political parties in the island: (a) the Socialist People's National Party, under the leadership of Norman Manley, K.C.; (b) the Workers' Party, under the leadership of Alexander Bustamante, and (c) the party largely representative of the management classes, the Jamaica Democratic Party, had all conducted campaigns under their party banners. The results produced overwhelming support for the Bustamante Labour Group.

Perhaps the new Constitution also meant a third thing to thinking Jamaicans and West Indians. There were many who were deeply conscious of Jamaica's responsibility to the Empire to honour the confidence and trust which Britain, in the midst of her gigantic struggle for existence, was pleased to place in the colony. The confidence was that Jamaica would demonstrate a new twentieth-century basis for political development, which had its strength not in mere constitutional machinery and formulæ, but in the intangibles of unity and a spirit of living *for* rather than *on* the country. The hope was that Jamaica would fulfil her destiny of becoming a pattern for the other colonies which, like herself, are reaching out for more responsibility within the framework of the Empire.

In the final analysis a Government, like a family, depends on human relationships for survival and development. Where there are self-seeking elements who represent their own instead of their country's interests, there is division and the edifice cracks. The people who founded the great federal governments of Australia and Canada knew what they were after and sank their personal ideas to find it. Having found it they remained united to preserve it.

Would Jamaica keep that spirit of unity which was perhaps the determining factor in convincing Downing Street that she could be used as the "laboratory for colonial experiment"? Would the party in power produce statesmen who put the interests of Jamaica before self-interest? Would the opposition follow its true function in the democratic form of government—namely, to inspire the government to its best efforts, rather than to ridicule it, and, while criticising its administration, do so without acrimony or bitterness? Would Jamaica preserve what she had been given and earn the right to further steps towards self-government? Would Jamaica and the West Indies become a pattern for Empire unity? These and other questions still remain unanswered.

Next to the basic change in the voting qualification, the present Jamaican Constitution is quite different from its predecessor in that instead of the former single chamber, Jamaica now has a bicameral legislature. There are now two Houses, the Upper and the Lower, in the place of the previous Legislative Council.

The Lower House, called the House of Representatives, is, as its name suggests, an all-elected body in the same manner as the House of Commons in Britain is the lower and elective body of Parliament. The number of elected members in this House no longer remains at 14, as in the case of the previous Legislative Council. The House of Representatives is composed of 32 members. It was these 32 representatives that the voters selected on the 14th December, 1944.

One of the most important developments to take place in the island these last ten years was an elaborate statistical census (another urgent recommendation of the Royal Com-

mission) conducted under the leadership of a world-famed Canadian expert. An important issue of the census was the re-casting of the electoral boundaries of the island to create additional electoral divisions. It is rather ironical that one of the last major legislative measures which had to be "passed" in the dying Legislative Council in 1944, was the Electoral Divisions Law to pave the way for its own death and the birth of its successor.

At its inaugural session in January, 1945, the first act of the House was the election of a Speaker—the Governor being no longer called upon to preside over the deliberations of the people's representatives, but one of their own number being chosen by them to preside over debates and fill the other important functions of the Office which are parallel, in most respects, to the duties of the Speaker of the House of Commons in the United Kingdom. In fact, one cannot but notice how much the new Jamaican Constitution resembles the centuries-old Mother of Parliaments\* at Westminster.

The next important step which the House of Representatives took at their first session, in accordance with the Articles of Constitution, was the selection of five of their number to be appointed Chairmen of the special committees of the House appointed to deal with the main Government Departments—education, agriculture, transport and communications, and social welfare and health. These five Chairmen automatically constituted themselves into a sixth committee called the General Purposes Committee.

Following the constitutional practice in the Mother Country, the party with the majority (the Bustamante Labour Group) secured the election of five of its members as Chairmen of the Standing Committees. Leader of the House is Mr. Bustamante himself.

By the creation of these committees Jamaica has taken the first steps towards a ministerial system. The five Chairmen must keep in close touch with their respective Departments, and it is *their* voices which are now heard in the House in debates on the work of the Departments—not the voices of the

\* See Correspondence, page 96.

Civil Servants as was the case in the former set-up. Full responsibility under a large-scale ministerial system is still to be attained. The committee stage is but the testing ground to prove whether there are in Jamaicans the qualities of statesmanship capable of discharging the great responsibilities of a ministerial system.

The second chamber is named the Legislative Council. Its composition differs from its Victorian namesake in that it now has no elected members. It is composed entirely of persons named or selected by the Governor, and in that respect, and in the matter of its relation to the Lower House, it plays a part very similar to that of the House of Lords in Great Britain.

It is comprised of 15 members, ten of whom are named "unofficial members" to distinguish them from their five official colleagues, the five heads of the Civil Service in Jamaica—the Colonial Secretary, the Attorney-General, the Financial Secretary and Treasurer, and two senior Civil Servants chosen by the Governor. The ten unofficial members are citizens nominated by the Governor in much the same way as the members in the previous Legislative Council were nominated.

The Legislative Council, like the Lower House, elects its own President from among its members: the Governor no longer presides at its meetings.

It is in the relationship of the two Houses that the pattern of British parliamentary practice is so strikingly obvious in the Jamaican Constitution, except that unlike the British Parliament, which operates mainly on the basis of unwritten law (the conventions of the Constitution), the main points of the Jamaican parliamentary practice have been written into the constitutional document.

Under the Articles of the Constitution, Bills are in general passed by both Houses and then submitted to the Governor for his assent; but in the event of disagreement between the Houses, Section 1 of Clause 45 of the Articles provides as follows:

- (i) If any Bill is passed by the House of Representatives in two successive sessions, and having been passed to the Legislative Council at least one month before the

end of the session, is rejected by the Legislative Council in each of those sessions, that Bill shall, on its rejection for the second time by the Legislative Council, unless the House of Representatives otherwise resolve, be presented to the Governor for his assent, and, if the Governor shall assent thereto, or if he shall reserve the Bill for His Majesty's pleasure and His Majesty shall assent thereto, the Bill shall thereupon become law, notwithstanding that the Legislative Council have not consented to the Bill.

"Provided that this provision shall not have effect unless one year has elapsed between the date of the second reading in the first of those sessions of the Bill in the House and the date on which it passes the House in the second of those sessions."

The clause goes on to make provision for interchange of ideas on Bills between the two Houses in the form of amendments so as to avoid deadlocks. Indeed, the wording of the clause is but a reproduction in print of the convention on which the Parliament at Westminster has conducted its law-making and the complex business of government.

The Constitution, however, is not complete with these two Houses. Carrying the British pattern a stage further, though in somewhat different form, an additional council named "the Executive Council" was created, in the words of the Articles, to be "the principal instrument of policy". There was nothing like it in the old system. In actual practice this Executive Council is the most important organ of the Constitution. It is in this Council that the Governor presides as Chairman and exercises a casting but no original vote.

The Council has ten members besides the Governor. Three are official members (the Colonial Secretary, the Attorney-General, and the Financial Secretary and Treasurer), two are members nominated from the Upper House who, in the word of the Order, are "not persons holding office of emolument under the Crown in Jamaica", and the remaining five are members of the House of Representatives elected by that House.

One of the points which was taken up in despatches between Downing Street and the political organizations in Jamaica during the stages when the Constitution was being

framed, was that the functions of this "cabinet" should be clearly defined in an instrument and, accordingly, its composition, functions and procedure are set out at length in the Order conferring the Constitution. Briefly the functions are as follows:

- (1) To determine the policy of administration.
- (2) To prepare the annual budget.
- (3) To give its consent before any Bill certified by the Speaker of the Lower House to be a "money" Bill may be presented in either House.
- (4) To advise the Governor, at his request, on the exercise by him of his reserve powers.

In short, this Council acts as comptroller of finance and designer of general policy, and should be the helpmate of the Governor in the event of emergencies arising which require that he should take action independent of, or in opposition to, the wishes of either the House of Representatives or the Legislative Council.

The spirit of the Order clearly is that the Governor should turn to this Council for advice and act in accordance therewith. It must indeed be a most extraordinary circumstance in which he would first reject the wishes of the two Houses and secondly, the advice of the Executive Council; or fail to consult all three before acting. Should such circumstances arise, however, the Constitution requires him "as soon as practicable" to communicate to the Executive Council the measures which he shall have adopted with the reasons therefor.

The actual wording of Sub-section (2) of Clause 15 of the Instructions to the Governor in connection with his duties under the new Constitution is as follows:

"(2) In matters in which he is required by this clause to consult with the Executive Council, the Governor shall act in accordance with the advice of that Council.

"Provided that, save as otherwise expressly provided by any Order made in our Privy Council, if in any case the Governor shall consider that it is expedient in the interests of public order, public faith or good government (which expression shall, without prejudice to their generality, include the responsibility of Jamaica as a component part of the British Empire, and all matters per-

taining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer or officers) that he should not act in accordance with the advice of the Executive Council, then:

- (a) He may, with the prior approval of a Secretary of State, act against that advice; or
- (b) if, in his judgment, urgent necessity so requires, he may act against that advice without such prior approval, but shall report the matter to Us without delay through a Secretary of State with the reasons for his action.

"Whenever the Governor shall so act against the advice of the Executive Council it shall be competent to any member of the said Council to require that there be recorded upon the Minutes of the Council the grounds of any advice or opinion that he may give upon the question."

In other words, the Order seeks, as a first step towards the ultimate removal of the reserve powers still vested in the Governor, to provide a structure by which there will be that degree of mutual confidence and co-operation between the Governor and his Executive Council which will encourage him to turn naturally to the Council as "his guide, philosopher and friend".

No longer will the people's representatives only play the rôle of critics of the policy laid down in advance by the Governor. By virtue of this new organ of government, the Executive Council, the people of Jamaica and their representatives are given the chance to share in determining the policy of the administration, and while it is true that the Governor's reserve powers still remain a part of the Constitution, much of the sting has been extracted by the requirement that he should consult with his Executive Council before acting.

A great many of the functions with which the Privy Council was concerned under the old Constitution have now been passed to the Executive Council. A Privy Council is still, however, part of the new system. It is composed of the Colonial Secretary, the Officer Commanding the Troops, the Attorney-General, the Financial Secretary and Treasurer and two persons (not holding office of emolument under the

Crown) who shall be nominated by the Governor and hold their seats for three years.

The Governor shall preside at the meetings of the Privy Council, as and when such meetings are called by him; for the Council will only meet to consider questions put to them by the Governor at his pleasure.

The duties of the Privy Council are not clearly defined in the constitutional Order. It would appear that they are mainly concerned with advising the Governor on the exercise of powers allowed to him by the Crown in virtue of the Royal prerogative, and also in regard to disciplinary and other measures affecting the Civil Service.

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Jamaica carries a great responsibility in these five years of trial. As I see it her responsibility is two-fold:

(1) To demonstrate that a colonial people with all the problems of a young nation, with differences of colour, class and creed, can surmount these differences and attain a united heart and mind, the prerequisites to national development.

(2) To produce the statesmen who will give the proper lead to the country and convince the Colonial Office that the colony is ready for further responsibility at the end of the reviewing period.

But this is by no means the end of the road. The present Jamaican Constitution is viewed as the first stage in a much bigger journey—the journey towards a West Indian Federation with Dominion status.

Among the three to four million people who inhabit these West Indian islands there exist all the things which keep people apart—class distinction, colour prejudice (in some islands worse than others), gaps between the highly-educated and the extremely illiterate. It is up to every West Indian to bridge these differences by accepting responsibility for his country's future.

The Federation of the West Indian islands, in the highest sense, will only be achieved as a federal spirit grows among the islands. It is then that the West Indies will really be a pattern for the world federation to which we are slowly moving.

## THE BASIS OF PROCEDURE IN THE HOUSE OF COMMONS-II

by ERIC TAYLOR, Ph.D.(Edin.)

(*A Clerk in the House of Commons.*)

[*The following article is the second of three which will be published in Parliamentary Affairs. The three articles form a chapter of a book by Dr. Taylor entitled The House of Commons at Work which will be published shortly by the Jason Press.*]

### THE ADJOURNMENT

TO the average layman it will be plain that it is of the utmost importance that the motions proposed to the House should be clear, concise and meaningful. They must be capable of expressing the opinion or the will of the assembly when they are voted upon. They must be capable of being closely debated. "There can be no vote and no decision", says Redlich, "without a precisely framed question". And yet, this is just what is not the case with a large proportion of the motions debated in the House of Commons. The motion which is debated more frequently than anything else is "that this House do now adjourn", and in a great number of cases the mover would be extremely embarrassed if this motion was carried, and the House did adjourn. Frequently the motion is withdrawn, or negatived, or killed by the "hour of interruption"—the automatic interruption of business at 10 p.m. And the debates on it have normally nothing whatever to do with the advisability or otherwise of adjourning. They are concerned with all kinds of topics. *The adjournment*, as it is called, is simply a peg to hang them on.

The great debate which took place in the House of Commons upon 7th and 8th May, 1940, which resulted in the resignation of Mr. Chamberlain's government and the succession of Mr. Churchill as Prime Minister was certainly one of the crucial moments of the last war. After two days'

passionate, and, at times, acrimonious debate a vote was taken, and though the result showed a majority for the government, it was so small a majority, in comparison with the relative strength of the party, that the Prime Minister considered it was his duty to resign. This was a debate in the grand style. It had the flavour of the great debates of Napoleonic times which we all read about in our history books at school. The shadow of Pitt and Fox hung over the assembly. Yet the reader will be very disappointed if he searches the *Votes and Proceedings* or the *Journals* of the House for a record of the great occasion. All that he will find is this:—

Adjournment,—Motion made, and Question put,  
“That this House do now adjourn:”—(*Captain Margesson*)  
—the House divided; Ayes 281, Noes 200.

Two days debate, two hundred and thirty columns of Hansard, a government overthrown, complacency shaken to its foundations—and the House merely resolves to adjourn at the usual time!

By way of contrast, let us turn back in the *Journals* to a similar occasion during the Napoleonic wars. On 23rd and 24th May, 1803, in the course of a debate on the war situation, Pitt delivered one of the greatest speeches of his career, and Charles James Fox (who spoke from ten o'clock until one o'clock in the morning) delivered a speech, says Mr. Speaker Abbott, “of more art, eloquence, wit and mischief than I remember to have heard from him”. But the motion upon which this great debate turned was a very different affair from that of 8th May, 1940. It was in the form of an amendment to an address to the king, and ran as follows:—

“To leave out from the word ‘commands’, at the end of the first paragraph, to the end of the Question, in order to insert these words; ‘To assure His Majesty of our firm determination to co-operate with His Majesty in calling forth the resources of the United Kingdom, for the vigorous prosecution of the War in which we are involved, and to express to His Majesty the satisfaction with which His faithful Commons have received His Majesty’s gracious Declaration, that he is willing to afford, as far

as may be consistent with His own honour and the interests of His People, every facility to any just arrangement, by which the blessings of Peace may be restored to His loyal Subjects'."

The curious convention by which a member "moves the adjournment of the House" in order to discuss a matter of importance is an interesting example of the way in which the House instinctively adapts an old custom to new and strange uses. There are three distinct stages in its development. There is (1) the original, obvious use of the motion "that this House do now adjourn" in order to end the sitting, so that members can go home. Right up to 1888, as we shall see, the House could only be adjourned by a motion, and, on occasion, the Speaker has been stranded high and dry in the Chair through members leaving the chamber without moving the adjournment. In 1888 a system of adjourning the House without putting the question was introduced, but even after that the House could only be adjourned with Mr. Speaker in the Chair, so that although he might give place to his deputy and retire to bed when the debate seemed likely to last into the small hours, he had to get up and come down to the House again, no matter at what time, simply to say "This House now stands adjourned". It has since been arranged that the Deputy Speaker or his deputy may adjourn the House in place of the Speaker. It should be understood that the House can still be adjourned by motion, and in fact frequently is.

Then there is (2) the use of the motion to interfere with or hold up the business of the House, a habit which has acquired the name of "dilatory motion". Thus a member rises to move the adjournment, not at the end of a sitting, but in the middle of a debate.<sup>1</sup> We hear a good deal of this practice towards the end of the eighteenth century, in the time of Burke and Pitt. James Grant records that one night Sheridan moved the adjournment nineteen successive times to prevent the House passing a resolution to which he was opposed; and that the House at length gave it up in disgust, and allowed

<sup>1</sup> Hatsell tells us that the first instance of this occurred in 1677, so that it is not old as parliamentary customs go.

the adjournment to be carried. At a later period Speaker Denison records<sup>1</sup> that a small but persistent minority moved the adjournment eight or nine times in the course of a single sitting on the Clergy Disabilities Bill (1870). They would have moved it even oftener, had he not ruled that a single member could not move the adjournment more than once in the course of a debate on one motion, so that when each member of the minority had moved his adjournment once, they were unable to hold up business any further. Nowadays the right to move the adjournment has been even more drastically curtailed by a standing order (No. 22)<sup>2</sup> by which the Speaker can refuse to accept a motion for the adjournment of the House if he thinks it is an abuse of the rules of the House—which means that persistent obstruction by adjournment motions is now impossible. It is now accepted (though this is not expressly stated in the standing orders) that only a member of the Government can move the adjournment before the business on the order paper has been begun, or between the various items on the order paper.

There is (3) the use of the adjournment to allow members to talk about something other than the subject of the motion then before the House. From the earliest times, if a member spoke away from the point, the Speaker would interfere: but the question of adjourning or not adjourning obviously has wide implications, and it became an accepted convention that on such motions it was in order to talk about anything under the sun. For instance the famous long sitting of 1881 was mostly occupied by motions for the adjournment introduced into the debate on the Bill which was before the House. On these motions the speeches roamed over very wide fields indeed, though the Speaker frequently interposed and attempted to bring the member back to the question of adjourning. (He had in those days no specific power to order a member to desist from speaking.) Similarly if some matter arose which

<sup>1</sup> *The Diary of John Evelyn Denison*, p. 259.

<sup>2</sup> The Standing Orders of the House of Commons are published by H.M. Stationery Office (price 5s.) and are reprinted at frequent intervals. There are 93 Standing Orders relative to public business, and 249 Standing Orders relative to private business.

aroused debate immediately—for instance a personal statement by a member—it was the practice to move the adjournment so that there would be at any rate some motion before the House. Here is an instance. The news of the disastrous defeat of Lord Chelmsford by the Zulus at Isandlwana reached England in March, 1879. On 15th March, a member took the opportunity at question-time of asking the Government whether they intended to place the supreme command in South Africa “in other hands”. Sir Stafford Northcote replied that “as at present advised they are not prepared to adopt this course”. The member then immediately moved the adjournment of the House and a stormy debate ensued.

This practice also has been severely restricted in recent times. Nowadays only a member of the Government can move the adjournment before the business of the day has been begun, between the various items on the order paper, or at the end of business. At other times the mover must confine himself strictly to reasons for adjourning or not adjourning. The use of the adjournment as a motion for general debate is largely now confined (*a*) to the beginning of business proper,<sup>1</sup> before any other motion has been moved, when it must be moved by a member of the Government, (*b*) to the special use of the adjournment under Standing Order No. 8, to discuss a “definite matter of urgent public importance”, and (*c*) to the half-hour at the end of every parliamentary day.

There is thus finally (4), the ingenious modern practice by which the government, as a sort of concession to the opposition and other private members, whose opportunities of criticism have been restricted by various curtailments of the power of moving the adjournment, moves the adjournment at the beginning of the day (after question-time). In this way matters which are too general to be framed in the terms of a specific motion may be debated—for the House cannot debate unless there is some motion before it. What generally happens is that when representations are made to the government Whips and

<sup>1</sup> It is no longer in order to move the adjournment during question-time.

the leader of the House that debate on a certain subject is urgently desired, arrangements will be made for a member of the government to move the adjournment of the House on a day determined in advance, after question-time, and before the Orders of the Day are read. The debate will then begin on the subject previously determined upon and members are able to speak on the whole matter, without having to pay regard to the wording of a carefully framed motion.

It has also been arranged to have the same sort of debate every evening during the last half-hour of the sitting.<sup>1</sup>

The practice of having general debates upon adjournment motions is, in some ways, very useful. The House is able to come to a decision and vote on the matter, and since, even if a vote is taken, its opinion is not precisely expressed by its vote, the hands of the executive are unfettered by detailed instructions. On the other hand the practice of moving to adjourn the House in order to discuss a matter of the public welfare has its absurd side whatever the precedents may be. It is illogical and inconvenient. The lack of precision in the resolution which is come to (if any resolution is come to) drastically reduces the control which the House claims to exercise over the executive. And it is sometimes difficult to know what exactly the vote on an adjournment motion means.

The following is a case in point. Members of Parliament are entitled to free copies of the daily (paper-backed) issue of *Hansard*. In 1943 a debate took place upon the question of whether bound volumes of *Hansard* should also be issued to them free of charge, or not. The decision on the matter rested with the Speaker: but he was obliged to follow the recommendations (*a*) of the government, and (*b*) of a select committee of the House. The government were anxious to economise in paper: but they were also anxious to please the House. So they laid the onus of responsibility upon the select committee; which had strongly advised against issuing bound volumes free, in view of the war-time paper scarcity and the general desirability of economy. The government spokesman said that it was entirely a matter for the select committee.

<sup>1</sup> After the orders of the day have been read.

They were themselves, he said, willing to provide the money, the paper and the labour.

The debate took place upon a motion for the adjournment, moved by the government. It became extremely heated, and the House divided. The result was a majority for the motion; but since the motion was "That this House do now adjourn" the decision was meaningless. The feeling of the House was clear from the speeches; members wanted free bound volumes of Hansard; but it was not clearly represented by the ensuing resolution.

The same principle, with its attendant advantages and disadvantages, governs all the voting of funds to the government for the public services whether in the House or in Committee of the whole House. The motion may be "that a sum not exceeding £241,926,000 be granted to His Majesty, on account, for or towards defraying the charges for Civil and Revenue Departments for the year ending on the 31st day of March, 1945", but the debate may rage round the shape of the postmen's hats, or the folly of pampering the working classes. And there are other "dilatory" motions, besides the adjournment of the House, which are used in the same way—e.g. "that the debate be now adjourned", "That the Committee do report progress and ask leave to sit again". Then there is another motion of a similar kind, formerly very frequently used, which has now quite dropped out of fashion, though it is still uncircumscribed by the restrictions which have been imposed upon the adjournment. This motion, which is known as the "previous question"<sup>1</sup>, consists of the formula "that the question be not now put". If the motion is *carried*, the question which was before the House when the "previous question" was moved disappears. But if the motion is *negatived* the question which was previously before the House must be put immediately, because the House has in effect, resolved that the question *be* now put. Hence the "previous question" is still used in America as an equivalent to our

<sup>1</sup> The explanation of the term "previous question" suggested by Redlich is that there is always a previous question to be settled before deciding any question—namely, whether the question should or should not be decided then.

*closure.*<sup>1</sup> Many of the great speeches of Pitt and Burke were made upon the "previous question": the diary of Mr. Speaker Abbott<sup>2</sup> is studded with it. Nowadays it is very rarely moved, and when, in 1943, Mr. Hopkinson moved the "previous question" in opposition to the motion to appoint a deputy chairman, he felt impelled to apologise for the novelty of the proceeding.<sup>3</sup>

Generally speaking, most of the debating in the House takes place, not on a motion which will, when voted upon, express the will or opinion of the assembly in precise terms, but upon a motion which is quite unrelated to the subject of debate. The will of the assembly is "gathered" from the tone of the speeches; and the government shapes its plans accordingly: or, in the last resort, the assembly expresses its confidence or lack of confidence in the government, with regard to this or that matter, by agreeing to or negativating the motion. And thus does practice differ from any theory which a writer might rashly preface to a work upon procedure.

<sup>1</sup> The form of it used in America is "That the question be now put"—which was the form used in this country before 1888. The difference between this and closure is that a closure motion cannot be debated.

<sup>2</sup> Speaker 1802-17.

<sup>3</sup> The "previous question" may not be moved in committee, on an amendment, or upon a "business" motion. In 1943 it had not been moved for 32 years.

(*To be concluded*)

#### THE FLEET STREET PARLIAMENT

We welcome to the ranks of "Model Parliaments" the recently-formed Fleet Street Parliament whose creation is due to Mr. Kenneth Stevens and his Executive Committee, assisted by Mr. Hallam Barnes of the Bournemouth Parliament.

The first sitting was held on 4th February, 1948, under the Speakership of Sir Herbert Dunnico, in the Memorial Hall, Farringdon Street, London. A motion moved by the "Prime Minister" (Mr. J. B. Hynd, M.P.), to express satisfaction with the National Health Service Act of 1946, was warmly debated by both sides of the House, which included prominent M.P.s and professional men. The motion was lost. Further debates are being arranged. J. D. L.

## UNIVERSITY REPRESENTATION IN PARLIAMENT-II

by THOMAS LLOYD HUMBERSTONE

*(This is the second of three instalments forming an abridgement of a book which the Hansard Society hopes to publish when circumstances permit. The concluding instalment will be published in a later issue.)*

**A**NTHONY WOOD (1632-95), in his *Life and Times*, gives information of University elections at Oxford. At the meeting of Convocation on April 7th, 1660, General Monck's letter on behalf of William Lenthall, late Speaker, was read. "The presbyterian and fanatical party of the university", with the Vice-Chancellor (who was a Presbyterian), called a Convocation purposely to read the letter and some hundreds of copies were printed and dispersed. Great controversy ensued. The son, Sir John, canvassed for his father, entertained his supporters at the Mitre Inn with "roast beef, ale" and, it was said, in a manner threatened the Masters who would not give votes for his father. This display of filial piety was unavailing. Dr. Mills and Dr. Clayton were elected on April 12th, 1660, "who after choice entertained their voters with bisket and wine". At the Convocation, Henry Stubbs of Christ Church "grumbled about among the Masters" that Lenthall was a rogue—"he had run away with the mace to the army at Windsor when he was speaker in 1647".

As to the electoral procedure, including the curious use of the second vote, evidence is provided by the election of 1679, the candidates being Heneage Finch, Solicitor-General (present by his agent), Dr. John Lamphire, M.D., History Professor and Dr. John Eddisbury, LL.D. of Brasenose.

"The solicitor-general had 201 votes, Dr. Lamphire had 209, Dr. Eddisbury 245. But the vice-chancellor and heads having a mind that the solicitor-general should be chosen for the good of the universitie, would not pronounce the election after the scrutinie was finisht, which by statute he ought to have done, but delay'd till such time those that had

given but one vote (who again were called in) to give for another person. So that by that means Finch having more than Lamphire, the vice-chancellor proposed to the Convocation whether the indentures of election should be sealed, but the *non-partie* being most, the bishop (Dr. Fell) was sent for, who though he pleaded hard for his owne man, (Finch sometimes of his house), yet the *non's* prevalent still, and Dr. Lamphire again protested against the unlawfulness of it. So about one of the clock the Convocation was dissolved. . . . ”

The dawn of the eighteenth century was brightened by Sir Isaac Newton—burgess for Cambridge University. His political activities had been significant during the Revolution, but as burgess it is suggested that his only speech was to ask the usher to close the window! There was a golden sunset to the century with the younger Pitt representing the same University. But not much is to be said of the years between, placid, Johnsonian years. Those partial witnesses, the Royal Commission on Oxford and Cambridge Universities, admit that the period “is usually regarded as the least satisfactory in the known history of the Universities” (*Report*, 1922, p. 15).

By the Act of Union of 1800, Dublin University was granted one seat in the Westminster Parliament and was therefore the first University to be enfranchised by Act of Parliament. In 1832, under the Reform Act, this representation was increased to two members, an indication that Parliament at that time preferred Universities to “rotten boroughs”, many of which were disfranchised. Surprisingly, the claims of the ancient Scottish Universities were not recognized at that time.

Reform was not restricted to the franchise. The establishment of the University of Durham was authorised by Act of Parliament in 1832 and the University of London received its first Royal Charter in 1836 on the basis explained by Spring Rice, Chancellor of the Exchequer, to the Privy Council:

“It should always be kept in mind that what is sought on the present occasion is an equality on all respects with the ancient Universities freed from those exclusions and religious distinctions that abridge the usefulness of Oxford and Cambridge.”

London, unlike the medieval Universities, was created by Royal Charter without possessing graduates or students. Time had to lapse before representation in Parliament became practicable, but as early as May 10th, 1852, the Prime Minister, Lord Derby, assured a deputation of graduates that there were no claims of the kind which could come into competition with that of the University of London.

In the Reform Bill of 1854, Lord John Russell proposed to give representation to the Inns of Court (two members), to the Scottish Universities (one member) and to the University of London (one member), and similar provisions were made in the Bill of 1860 during Palmerston's administration. As to London, success appeared so far assured in 1860 that the claims of rival candidates for the representation of the University, including Romilly and Bagehot, were canvassed. Finally the Representation of the People Act, 1867, enacted that "in all future Parliaments the University of London shall return one member to serve in Parliament".

In the debate of 1867, no voice was raised against the grant of representation to the University of London, and, with the exception of John Bright, members supported the general principle of University representation. There was debate on an amendment proposing to join Durham University to London to form a single constituency, an amendment strongly opposed by the Liberal opposition and in the result defeated against the Government by a majority of eight. But the arguments were based entirely on the worth and standing of Durham University at that time. It was a small University, still retaining religious tests for membership of Convocation. On the general question, John Bright laid stress on the personal argument:

"I am not in favour of the representation of Universities. The representation of the ancient Universities of Oxford and Cambridge was created in times about the worst in our history. The members they have sent to this House, learned as some of them have been, and amiable as many of them have been, have not been representatives such as it would be wise—I speak of their political views—for the House of Commons to follow."

With the grant of two seats to the Scottish Universities in 1868, one for Edinburgh and St. Andrews, the other for Glasgow and Aberdeen, nine members represented eight Universities in Great Britain and Ireland. The representatives were on the Conservative side with the exception of Robert Lowe (London) and Sir Lyon Playfair (Edinburgh and St. Andrews), elected as Liberals. In 1885, during Gladstone's Liberal Government, soon to be shattered by the Home Rule for Ireland controversy, the abolition of University seats was discussed. Dr. S. Macoby relates in *English Radicalism, 1853-1886*, that under the original Government redistribution scheme outlined before the Tories were called into consultation, the abolition of University seats had at least been in question. Secret redistribution conferences with the Tories followed, the results being embodied in a pact between Gladstone, Prime Minister, and Sir Stafford Northcote. Lady G. Cecil in her *Life of Salisbury* affirms that Lord Salisbury insisted on the retention of University representation: .

“There came a day when a deadlock was reached, and Salisbury reported to his wife that he feared the Conference must break up. She drove down to Downing Street to see the Prime Minister, appealed to him by all the old Church and Oxford memories, and staked her knowledge of her husband’s character on the assurance that it was a point on which he could never yield.”

Gladstone gave way, probably without reluctance, for he had been burgess of Oxford University from 1847 to 1865.

The debate in the House of Commons on University representation was initiated by James Bryce, professor of civil law at Oxford, Liberal member for Tower Hamlets, who moved an amendment to the Redistribution Bill, the effect of which would have been to abolish University constituencies. It is remarkable that Bryce, exemplar of the members Sir Edward Coke wished the Universities to send to Parliament, should have been the first to denounce the principle of University representation. The debate, opened on March 6th, 1885, was sustained for two days, the second day (March 10th) being devoted mainly to the special problem of Ireland.

Protesting his loyalty to Oxford, Bryce said he was not concerned to attack University representation as an anomaly in the Constitution. His complaint was that such representation was against the interests of the Universities, for it introduced party politics into the academic calm and even led to the running of candidates for appointments on political grounds.

“The disfranchisement of the Universities would leave them stronger, more tranquil, more suited and better fitted for their educational work.”

University members were not elected by the teaching bodies, said Bryce, but by graduates scattered over the country who knew nothing about the universities—to the number of 5,882 for Oxford and 6,458 for Cambridge. Moreover the privilege of voting was obtained by the payment of fees for keeping names on the books. This restricted the franchise to the wealthier rather than to the more civilized graduates. The legality of the Letters Patent of James I had been disputed at the time. When University representation was first granted the electors were resident in Oxford or Cambridge. Swift coaches and railways had changed all that! In 1864 an Act was passed allowing postal voting. Because of the “abominable system” of religious tests, electors were mainly country clergymen. Arrangements had already been made which gave the beneficed clergy the right of voting for their boroughs or counties; and curates could vote as lodgers. Referring to the representation of literature, education, science and art, Bryce admitted that Sir Lyon Playfair had made valuable contributions to the debates. London University was an artificial creation that ought not to be called a University at all in the ancient and proper sense of the word—it was merely an examining body. The Scottish electors were professional and he would prefer the direct representation of professions. University representation, he concluded:

“was an experiment, which has been tried long enough and has altogether failed to bring about any substantial or beneficial result, either to the country or to the Universities themselves.”

The artificiality of the debate due to the compromise between the parties was exposed when the Government spokesman, Sir Charles Dilke, showed his personal sympathy with Bryce's amendment. He objected to special qualifications for electors and to plural voting.

Sir John Mowbray (Oxford University) opposed the amendment on the ground that the purpose of the Bill was to enfranchise 2,000,000 electors, not to disfranchise 20,000 to 30,000 men of education and intelligence. Albert Grey advocated proportional representation, but his suggestion that the Oxford and Cambridge constituencies should be combined provoked a laugh.

"Let them take away a member from Oxford and Cambridge and give it to the Scotch Universities. Let them make Oxford and Cambridge one constituency and then let the members, each constituency having three representatives, be elected upon the single transferable vote system."

Sir Lyon Playfair admitted that the grant of James I was possibly a stretch of the Royal Prerogative; but it had been accepted by the House of Commons and ratified by the Court of King's Bench. University members should be more than party politicians. Horace Davey said that, at Oxford and Cambridge, Fellows were excluded from the franchise in the city of Oxford and the borough of Cambridge; and Staveley Hill pleaded for the taught as well as the teachers, quoting from *Blackstone* the words of James I:

"To send two of their own Body to serve for those students who, though useful members of the community, were neither concerned in the landed, nor in the trading interests and to protect in the Legislature the rights of the Republic of Letters."

Thorold Rogers said that when the University franchise was originally granted a great majority of the members of the University had what was called spiritual estates—namely, the estates of a clergyman though they might be laymen. They were therefore only represented in convocation; and one of the motives in giving the franchise was that property in the

University should be represented. The amendment was rejected (March 10th, 1885)—Ayes 79; Noes 260; majority 181.

The question of University representation was revived in 1912 when the Liberal Government of the day proposed in the Franchise Bill to abolish such representation. The Bill was wrecked for reasons connected with women's suffrage. A year later, the attempt was made to abolish plural voting without making any exception in favour of the University vote. The debates of these years deserve close study by those who wish to discover the gravamen against University representation in the minds of Liberal politicians. They relied mainly on the argument that experience had shown that a University constituency was much like any other. "Any constituency", Asquith said, "whether you call it a University or anything else, will, in the long run, send to the House a man whose political opinions are in accordance with the predominant opinions of those who sent him". Pitt, having served his apprenticeship in a pocket borough, represented the University of Cambridge for the whole of his political life; but Peel and Gladstone were dismissed by Oxford on political grounds, Peel for supporting Catholic emancipation and Gladstone for a change of political views "very much more gradual and subtle". Sir John Gorst was cited as another example of the working of University representation—a very distinguished Cambridge man, "in every way qualified to be a University representative", who was rejected on political grounds by his University after many years' service as their representative in Parliament, including distinguished service as Vice-President of the Committee of Council on Education.

The question of the qualification for the University vote was raised. It appeared that neither Asquith nor Lord Loreburn, Lord Chancellor, had kept his name on the books at Oxford. Sir John Simon suggested that many of the electors of Oxford University had not had distinguished scholastic careers nor could show a very extensive knowledge of political affairs. A number were clergymen who kept their names on the books because their College had livings to give away. Lord Hugh Cecil, representing Oxford University, ascribed the Conserva-

tive character of the representation of Universities mainly to historical reasons, especially the traditional connection of the older Universities with the Church of England: but he predicted that the sharp cleavage between the Universities and Liberalism would pass away.

"There would be an immense extension of University education in the future; and it would no longer be associated with an exceptional degree of wealth or with any particular ecclesiastical opinion. Why abolish University representation because, from a merely party point of view, University representation was a trivial object in the way of the Liberal Party?"

Although a good many cherished principles suffered a sea change during the First World War, University representation found itself fortified and given a new lease of life. The same Liberal members who, before the war, were working for its abolition, were to be seen a few years later supporting proposals for its continuance and extension. This apostasy was not brought about by the lessons of the war; there was no question of a rekindled faith in Universities, an educational renaissance. In 1916, Asquith set up the Speaker's Conference on Electoral Reform, a round table at which sat the stalwarts of both political parties. A compromise on University representation was accepted and was included, with modification, in the Representation of the People Act of 1918. The purpose of the reforms of the Act in relation to University representation was to secure representation of Liberal opinion and to remove the reproach that University representation was a preserve for Conservatives. The modern Universities were granted representation, thus bringing in the new to redress the balance of the old; graduation conjoined with a registration fee not exceeding £1 became the basis of electoral qualification; and women graduates over the age of thirty were given the vote. Oxford, Cambridge and Dublin retained two members each and London its single member. The other English Universities were combined to form a constituency returning two members and the Scottish Universities into a single constituency returning three members.

Queen's University, Belfast, and the University of Wales were each given a seat. Proportional representation in the form of the single transferable vote was introduced in constituencies returning more than one member at a general election. In addition to the residential vote, a qualified elector was allowed to vote also *either* on a University *or* a business qualification. Save at by-elections, a graduate of two or more Universities may only vote in one University.

The principal modification of the proposals of the Speaker's Conference related to the University of London. It was suggested that London should lose its separate representation and be grouped with the English Universities other than Oxford and Cambridge. There were strong protests, official and unofficial, the basis of the official protest being the declared intention that the University of London, when created, should be given "an equality in all respects with the ancient Universities, freed from those exclusions and religious distinctions which abridge the usefulness of Oxford and Cambridge". I took an active part in the unofficial propaganda, including an article in *Nature* (November, 1917) and a letter in *The Times Educational Supplement* (22nd March, 1917), stressing the prescriptive right of London to Parliamentary representation and the argument that London would bulk unduly in the proposed combined constituency. This was to include London, Durham, Manchester, Birmingham, Liverpool, Leeds, Sheffield, Bristol and Wales, with the right to return three members. My letter elicited from John H. Humphreys, Secretary of the Proportional Representation Society, that Sir William Anson in 1909 had proposed "as a passing suggestion" a joint English University constituency to include Oxford, Cambridge, and London. This proposal was included in the Proportional Representation Bill of 1912, Sir William Anson being Chairman of the Parliamentary Committee which prepared the Bill. In the following year he informed Humphreys that he intended to introduce a separate Bill dealing with University representation and constituting a combined constituency. His death intervened and the Bill was not introduced. The proposal of 1917 in relation to London

was defeated and the University was allowed to retain its seat. I received letters of appreciation for my share in this happy issue, Dr. Caldecott, Dean of King's College, writing: "You have done a good service to the University; the brunt of the battle as regards directing public attention to this absurd proposal fell to you and you have our best thanks."

As soon as possible, Asquith's criticism of University representation, that the system returned to the House members elected for purely political reasons, received practical attention. In 1922, J. R. M. Butler, was elected by Cambridge as an Independent, Oxford following this example by electing A. P. Herbert in 1935. *The Spectator* in a leading article (15th March, 1935), some months before Herbert's election, predicted that a Conservative candidate could count on finding himself in due time in the House of Commons "since none but Conservatives are ever elected for Oxford University". Despite this portentous warning, Herbert decided to ignore the party caucus which he considered was "letting down the University representation by its choice of candidates" (letter to *The Times*, 15th November, 1935), and was duly returned as representative of "that seat of Toryism, that cradle of Puseyism, that home of the inexact and the effete—Oxford", to quote R. L. Stevenson's description of the ancient University. A fairly general practice has since arisen for University candidates to stand as "Independents", sometimes with a gloss.

The "Independent Member" is a new phenomenon, especially in relation to University representation, important enough to form the subject of an address to the Hansard Society on 14th March, 1946, by Harold Nicolson, who discussed the advantages and disadvantages of the Independent Member, stressing the need for experts without political prejudices and, conversely, the deprivation of office and corresponding influence suffered in the cause of independence. By not receiving the Whips of any party, the Independent Member is kept in ignorance of the political programme. His opinions expressed in the House are heard with respect; but the price of political independence is heavy from the personal viewpoint.

The first Labour Government, appointed in 1924, during its brief term of office displayed no antagonism to University representation. But the second Labour Government, in the Representation of the People Bill of 1931, proposed the abolition of University constituencies.

The memorandum prepared for Oxford and Cambridge Universities included statistics summarising the position in 1914 and 1929:

		1914		1929	
		<i>Members</i>	<i>Voters</i>	<i>Members</i>	<i>Voters</i>
Oxford ..	.. ..	2	6,875	2	15,770
Cambridge ..	.. ..	2	7,145	2	23,978
Dublin ..	.. ..	2	5,020		
London ..	.. ..	1	6,070	1	15,558
Edinburgh and St. Andrews ..		1	11,319	1	11,319
Glasgow and Aberdeen ..	.. ..	1	11,714	3	43,192
Combined English ..	.. ..			2	13,775
Wales ..	.. ..			1	3,623
Queen's, Belfast ..	.. ..			1	3,324
		9	48,143	12	119,220

Omitting Dublin, whose representation lapsed when the Irish Parliament was re-established, five constituencies returning seven members had been replaced by seven constituencies returning twelve members. It was predicted that with the automatic registration of all qualified British subjects who take degrees the number of voters would be doubled in twenty years, and that for the Universities as a whole the twelve members would in a generation represent between 200,000 and 250,000 graduates.

Statistics were quoted to prove that graduates of Oxford and Cambridge are not drawn exclusively from the wealthier classes. On the personal aspect, it was contended that the representation of the Universities had added real weight and distinction to the House of Commons. Excluding existing members and those of the remote past, the names of Lecky, Playfair, Watson, Gorst, Jebb, Finlay, Anson, Butcher, Larmor, Carson, Fisher, Prothero, Craik, Cheyne, and Geoffrey Butler, were cited:

"It is also a matter of common knowledge that many of these distinguished men would never have sat in the House

of Commons at all but for the complete freedom from all that distasteful side of political life, embodied by the phrase ‘nursing a constituency’ which the University members alone can enjoy.”

Plural voting for graduates was justified as consistent with democratic principles. As to territorial constituencies, “quite a number” were in fact, though not in theory, controlled by the great Trade Unions, thus serving more than local interests. “We do not in any sense deprecate this state of affairs.”

The independence of Universities from Government control rested on co-operation between the Universities and the Government of the day. “No Member of Parliament, unless specially returned for University constituencies, would be able to do the work which is done by the University members both in and outside the House.”

“Finally, we are bound to observe that the abolition of University representation within ten years of the deliberate extension, would represent a violent change of policy, which is entirely strange to the whole character of our constitutional development.”

In moving the Second Reading of the Bill on 2nd February, 1931, Clynes, Home Secretary, reviewed the history of University representation:

“The ground on which the grant was based or defended was that it was in the interest of the Universities to be represented in Parliament, some educational questions were affected by the enactments of Parliament, that it was in the interest of Parliament to have representatives of the seats of learning where men of approved loyalty, wisdom and doctrine could be found.”

But he failed to observe in University members those high and approved qualifications—*independence, depth of knowledge, wide educational range.* On the contrary they had shown in the quality of their work in the House of Commons “a most deplorable ignorance on most occasions of what were public needs”; and the Government considered that the privilege could no longer be justified.

Moving the rejection of the Bill, Sir Samuel Hoare (Conservative) denounced the proposal as a mixture of mild Victor-

ian Radicalism and the drab and dull uniformity of modern Socialism that wished to infuse a stupid uniformity upon every variety of activity and institution in this country. Sir Herbert Samuel (Liberal) was opposed to fancy franchises. How was it possible to justify twelve members elected by 120,000 University electors, 50,000 or 60,000 being the average local constituency? Lecky as a party man supported University representation but as a historian he had written: "The political influence of the Universities has been almost uniformly hostile to political progress." Buchan (Scottish Universities) urged that Oxford and Cambridge were no longer the pleasure grounds of the rich but were becoming hostels for poor students as in the Middle Ages. The whole history of the Labour Party belied the suggestion that they were hostile to learning; the Liberal Party had always claimed to be the party of science and enlightenment. The supporters of the Bill appeared to regard the flat geographical representation as the only one possible to democracy.

At the Committee stage (16th March, 1931) Lord Hugh Cecil declared that the choice of a candidate was as important as voting. A prospective candidate who appealed to democracy instead of to the party caucus—the "executive Committee"—would be regarded as almost a lunatic. There was always an oligarchical tendency and the member, when elected, soon encountered that tendency in the House of Commons. The whole theory of equalitarian democracy was a delusion; there was no such thing.

Clynes, replying to the debate, recalled that Bryce had said in 1885 that University representation had been tried long enough and had failed to bring about any beneficial or substantial results; but Sir Charles Oman declared that Bryce's views in 1910 were very different. Sir Martin Conway said that in the Speaker's Conference it was a bargain that if female suffrage were granted, University representation would be preserved. The present proposal was due to University constituencies having mainly returned Conservatives. Baldwin urged that the House of Commons should show in a symbolical way that the things of the mind should be represented.

To the general surprise, the clause proposing to abolish University constituencies was removed from the Bill by 246 votes to 242. According to the Parliamentary Correspondent of *The Times Educational Supplement*, the real work had been done behind the scenes by a Committee with Sir John Withers (Cambridge University) as Chairman. Two Labour members, Major Church and Colonel Wedgwood, voted with the majority. The majority included also 225 Conservative members and 19 Liberals. There were 57 abstentions composed of 3 Conservatives, 20 Labour, 23 Liberals, and 11 Independents. The Liberal Party meeting had decided to support the Government. It therefore came as a rude shock to Lloyd George and Sir Archibald Sinclair, the Chief Whip, that only 19 Liberal members went into the division lobby in support of the decision.

The question was discussed under different political conditions in 1935 on a motion by a Labour member, Viant, in favour of the abolition of the University franchise. His speech was enlivened by quotations from a book on Socialism by the former Prime Minister (Ramsay MacDonald), who in the following year was elected as one of the members for the Scottish Universities. For instance, MacDonald had written:

“A successful career at a University is occasionally the indication that a vast darkness has settled upon a man’s mind on all matters of human concern.”

Lord Hugh Cecil thought that the heart had gone out of the agitation against University representation even in the last five years. What was the function of the voter?—merely to choose between the candidates whom various active-minded persons submitted to his choice. The theory of mandates was utterly indefensible and the real question was—did the House of Commons as a body represent the community as a body? If we are to change our system, election by function would deserve consideration.

“Let us retain with pride and thankfulness that which has given us so much liberty and so much security and be thankful that we cling, as it were, to a stable rock in the midst of a turbulent world.”

Replying for the Government, Geoffrey Lloyd said there could be no better safeguard for the freedom and independence of the Universities than their representation in the House of Commons. The motion was negatived by 227 votes to 130.

Before the next Parliamentary debate on the subject, the Liberal Party in a pamphlet entitled *A People's Parliament and How to Get It*, published in 1944, withdrew its opposition to University representation.

"In the past the Liberal Party has always worked to abolish University representation, believing that there was no logical reason for bestowing an additional franchise upon a small class already more fortunate than the majority of the nation. Now, however, the paramount consideration is to strengthen the House of Commons. It cannot, we think, be denied that the present House would be considerably poorer if the University Members were not there. Moreover University education is no longer the exclusive privilege of the comparatively wealthy, and the number of University voters has very substantially increased. In the circumstances we think that they also should be entitled to choose which vote they will exercise."

The Speaker's Conference on Electoral Reform and the Redistribution of Seats reported in May 1944 in favour of the retention of the existing system of University representation and methods of election, adding an important rider:

"Provided that every person who has received or receives a degree (or its equivalent) shall be automatically registered and that no fees shall be charged for registration expenses."

The clause in the Redistribution of Seats Bill (based on the Report of the Speaker's Conference) proposing to exclude University constituencies from the reference to the Boundary Commission gave rise to a general debate on University representation (12th October, 1944). Petty Officer A.P. Herbert (Oxford University)—he had re-acquired gallantry in consequence of the war—regaled the House with sparkling sherbert instead of the crusted port of some of his predecessors. The honourable and gallant Member regarded the University vote as a duty rather than a privilege and commended the form

of election without speeches, spellbinding, canvassing, almost without expense. He would favour the extension of the principle of University representation. University members tended to bring up subjects rather out of the way of the main stream of politics—coinage or camouflage, divorce in England, or distress in Europe. Miss Rathbone had a bagful of noble causes:

“I am perfectly sure that if I had not been an independent university Member, the Matrimonial Causes Act, 1937, would not be on the Statute Book to-day.”

H. Lawson referred to the disparities in University constituencies, the quota in 1935 for one member, being: Oxford, 11,000 electors; Cambridge, 17,000; London, 17,000; Combined English, 13,000; Wales, 7,000; Scottish, 17,000; Queen's, Belfast, 3,800. Pethick-Lawrence, a Labour member of the Speaker's Conference, thought the Conference had reached a reasonable compromise that could be defended on its merits; and Peake, for the Government, explained that the decision of the Conference was not challenged at the time. The clause was accepted by 152 to 16. On this apparently triumphant note, the present record of the Parliamentary history of University representation may be concluded. Be it remembered, however, that the question at issue was the redistribution of University seats, not the general principle of University representation. The vote was taken during the Second World War with a Coalition Government and a Conservative Prime Minister (Winston Churchill) in office. There was no question that the particular recommendation of the Speaker's Conference endorsed by the Bill would be accepted. The rump of 16 members represented the die-hards of the Labour Party, whose opposition to University representation was declared in Parliament in 1931.

*(To be concluded)*

## CONNAISSANCE DU PARLEMENT THE BELGIAN HANSARD SOCIETY

THE idea of forming an association with the object of spreading information about Parliament arose out of a lecture on the British Parliament given by Commander Stephen King-Hall at the Palais de Justice, Brussels. During this lecture, Commander King-Hall spoke of the existence of the British Hansard Society, the aim of which was to promote knowledge about parliamentary institutions.

Several of those present realized how necessary it was to create a similar society in Belgium where the people as a whole are ignorant of the work of Parliament and often imagine that it consists entirely of spectacular public debates. Investigations in different circles showed that the idea of founding such a Society met with the sympathy of a considerable number of people. A meeting took place between Commander King-Hall and myself and, with the encouragement of the Presidents of the Chamber and of the Senate, it was decided to found a movement called "Connaissance du Parlement".

It was agreed to form a nucleus of persons of varying political opinions, chosen for their personal qualities and representing widely different circles such as the press, the cinema, and the radio. This embryonic association was to be comprised of both parliamentarians and non-parliamentarians. Rules were drawn up to give a legal existence to the Society within the framework of Belgian law.

The inauguration of the Society, marked by a press conference, was generally welcomed. True, some people thought that the Belgian Parliament needed improving by certain reforms, but those in favour of founding the Society replied that it was not a question of considering the Belgian Parliament to be absolutely perfect or of saying that the workings of Parliament should not undergo some modifications. In any case, to be able to criticize in a constructive

manner it was necessary, *first* to know Parliament, and *then* to reform it.

The Society defined its aims in the following manner:

"The Association has as its object the promotion of knowledge about Parliament and its democratic methods, with a view to encouraging parliamentary institutions and establishing contact with foreign Parliaments and similar organizations in foreign countries.

It is proposed to include amongst its activities:

- (1) The organization of meetings.
- (2) Publicity by means of press, radio, and cinema.
- (3) The publications of books and pamphlets.
- (4) The establishment of an information and reference service which will undertake to answer any question relating to Parliament or its activities."

The founders realized that if they immediately tried to approach the general public they would find it impossible to provide lecturers or supply the necessary literature. Furthermore, they would have to overcome the effects of Nazi and Fascist propaganda before and during the war, the purpose of which had been to belittle Parliament in the eyes of the nation. It was decided, therefore, to work in ever-widening circles: first forming a nucleus of specialists, providing speakers, and organizing first-class meetings for a selected public, before attempting to reach the masses. The association also decided to publish a series of pamphlets which would together form a coherent whole.

During the winter 1947/8 we are going to try to organize discussions between English, French, Swiss and Dutch parliamentarians on the origins and organization of their national Parliaments. Speakers are proposing to give lectures to schools, convalescent homes, and to the forces. Armed with the necessary literature and helped by the prestige of foreign lecturers, concentrating first on a nucleus of keen individuals, then approaching specialized circles, the members of the Society "Connaissance du Parlement" hope that their task of making Parliament known will be successful.

H. DENIS-BOHY

(General Secretary of "Connaissance du Parlement")

## CORRESPONDENCE

## THE HOUSE OF LORDS

Sir,

In the correspondence on the House of Lords, that institution is defended, firstly as an advisory body, and secondly as "the new champion of the liberty of the subject". Now, it can reasonably be supposed that the wisest House of Commons may need advice, but how can it be necessary for the unelected House to defend the liberty of the subject against the House which the subjects have themselves elected?

The explanation of the paradox is that the House of Commons does not necessarily represent the will of those who elect it. The present Government's party (like that of all our single-party governments since 1918) had the support of less than half the voters in 1945 but it is in a position to carry in the Commons any measure it likes. Such a measure may be repugnant to a majority of the electors, and in that case it is the Lords who will be doing the people's will if they reject it.

That position must detract from the prestige of the House of Commons, and to reform the Lords alone will only weaken that prestige still further. Reform the Lords, by all means, but not without taking the much more important step of making the Commons truly representative by introducing proportional representation with the single transferable vote.

Yours faithfully,

The Proportional Representation Society,  
82, Victoria Street, S.W.1.

JOHN FITZGERALD  
*Secretary.*

## "MOTHER OF PARLIAMENTS"

Sir,

The Hansard Society should not call the House of Commons "The Mother of Parliaments": the phrase is one of John Bright's and he correctly applied it to England and not to the House of Commons. My reference here is to the article, "University Representation in Parliament", Vol. 1, No. 1.

I am, etc.,

The Athenaeum,  
Pall Mall, London, S.W.1

FREDERICK WHYTE.

(Mr. Lloyd Humberstone writes: "Mother of Parliaments was not in inverted commas and is not Bright's patent. As given, the reference was to the Parliament that may be regarded as the mother—the Model Parliament.")

## THE FRENCH CONSTITUTION

Sir,

I was particularly interested by Mr. Lidderdale's article on "Parliament in the Fourth French Republic", but I should like to point out an error in this article (page 25). If you will add up the number of members of Parliament as listed by him you will find that it is one short of his total (619) thus:

Metropolitan France ..	..	544
Guadeloupe ..	..	3
Martinique ..	..	3
Réunion ..	..	3
Guyane ..	..	1
Algérie ..	..	30
Union Française ..	..	34

618

The number of members for the Union Française is 35 *not* 34; this makes his total of 619 correct. It is a very understandable error, no doubt due to the fact that the deputy for Cochin China was not elected at the same time as the other U.F. deputies. (Cochinchine has one deputy elected by the Collège des Citoyens de Statut Français).

Also, Mr. Lidderdale may not have considered in detail the question of the new department of Guyane, which he deals with in the same sentence as the departments of Guadeloupe, Martinique and Réunion: this is rather unfortunate as it seems to imply that the deputies for all these four overseas departments are elected on the same basis as for Metropolitan France. This is not the case—the deputies for the Mother Country, Guadeloupe, Martinique and Réunion are elected from lists at a single ballot, with proportional representation; whereas the deputy for Guyane is elected by uninominal voting at a single ballot (Arts. 1 and 2 of Heading 1 of Law No. 46-2151 dated 5.10.46).

While Mr. Lidderdale does, in a footnote, refer his reader to this law, I feel that, as he specifically mentions the various electoral colleges employed in the U.F., the fact that proportional representation cannot be employed in one of the departments of France, viz., Guyane, is worthy of mention since it is unique.

It is possible that, for reasons of space, Mr. Lidderdale decided to lump the four non-Algerian overseas departments together.

Yours truly,

16, Gainsborough Court,  
Nether Street, N.12.

KEITH PRINCE.

(Mr. Lidderdale writes: "Mr. Keith Prince seems to make two criticisms.

(i) That I gave the number of seats allotted to the French colonies (other than those which are departments of France) as 34, whereas it is in fact 35.

Mr. Prince is quite right. The number was first fixed at 34 by Law No. 46-2151, but was raised to 35 by Law 46-2156, which allotted two seats to Guinea (*Guinée*) instead of the one seat allotted by the earlier law.

(ii) That I did not sufficiently stress the fact that the department of Guiana (*Guyane*) elects one member only by uninominal voting at a single ballot.

This is a matter of opinion. When space has to be so carefully considered, one has to leave a certain amount to the imagination of the reader. I stated that Guiana elected one member only, and I thought that it was clear that this single member could not be elected by proportional representation.")

## BOOKS RECEIVED

*The inclusion of a book in this list does not preclude its review in a subsequent issue of Parliamentary Affairs.*

AMERY, L. S. *The Awakening*. Macdonald. 8s. 6d.

BATTLEY, JOHN. *A Visit to the Houses of Parliament*. Westminster City Publishing Company Ltd. 8s. 6d.

BENSTEAD, C. R. *Mother of Parliaments*. Muller. 7s. 6d.

BOOTHBY, ROBERT. *I Fight to Live*. Gollancz. 21s.

COLE, G. D. H. *The Life of William Cobbett*. Home and van Thal. 16s.

DRUMMOND-WOLFF, HENRY. *British Declaration of Independence*. Hutchinson. 7s. 6d.

HAWGOOD, JOHN A. *The Citizen and Government*. Nicholson and Watson. 6s.

HEMINGFORD, Lord. *What Parliament Is and Does*. Cambridge University Press. 6s.

HOGG, QUINTIN. *The Case for Conservatism*. Penguin Books. 2s.

JENNINGS, W. IVOR. *The British Constitution*. Second Edition. Cambridge University Press. 10s. 6d.

KEITH, A. BERRIEDALE. *Constitutional Law*. Seventh Edition. Stevens. 30s.

LINDSAY, MARTIN. *The House of Commons*. Collins. 5s.

PARKER, JOHN. *Labour Marches On*. Penguin Books. 1s. 6d.

ROBSON, WILLIAM A. *Justice and Administrative Law—A Study of the British Constitution*. Stevens. 25s.

SALTER, Sir ARTHUR. *Personality in Politics*. Faber. 12s. 6d.

WHEARE, K. C. *Parliaments and Politics*. Bureau of Current Affairs. 2s.

## GOVERNMENT PUBLICATIONS

*The following list of recent publications of H.M. Stationery Office includes documents of parliamentary and constitutional interest as well as a selection of publications of a more general nature which indicates the wide range of subjects coming within the scope of the Stationery Office. Government publications may be obtained from York House, Kingsway, London, W.C.2; from branch offices in Belfast, Bristol, Cardiff, Edinburgh and Manchester; or through any bookseller.*

*Boundary Commission, Reports of. England (Cmd. 7260), 12s. 6d. Scotland (Cmd. 7270), 5s. Wales (Cmd. 7274), 3s. Northern Ireland (Cmd. 7231), 3s.*

*Budget Disclosure, Report from the Select Committee on the. 2s.*

*Ceylon, Proposals for future status (Cmd. 7257). 1d.*

*Committee of European Economic Cooperation, July-September 1947.*

Volume I (General Report), 2s.

Volume II (Technical Reports), 12s. 6d.

*Criminal Statistics, England and Wales, 1939-1945, (Cmd. 7227). 9d.*

*H.M. Ministers and Heads of Public Departments. 6d.*

*House of Commons Members' Fund (Cmd. 7282). 1d.*

*House of Lords Offices, First Report by the Select Committee on. 1d.*

*Mauritius, Revision of the Constitution of, Correspondence (Cmd. 7228). 6d.*

*Meteorological Office, Annual Report. 1s.*

*New Zealand Constitution (Amendment) Bill. 1d.*

*Parliament Act, 1911, A Bill to Amend the. 1d.*

*Roll of the Lords Spiritual and Temporal. 9d.*

*Standing Committees, Return for Session 1946-47. 3d.*

*Statistical Abstract for the British Commonwealth (Cmd. 7224). 4s.*

*Statutory Rules and Orders, Select Committee on. 1s.*

*Tariff Negotiations, Report on the Geneva discussions (Cmd. 7258). 1s.*

*Trade of the United Kingdom, 1945. Volume I, 15s.*

*Wales and Monmouthshire, Report of Government Action (Cmd. 7267). 2s.*

## BOOK REVIEWS

**Herbert Fisher.** By David Ogg. Arnold. 10s.

**The Diary of Henry Hobhouse (1820-1827).** Edited by Arthur Aspinall. Home and van Thal. 10s. 6d.

Most people know of H. A. L. Fisher through his *History of Europe* and his Education Act of 1918, an Act which soon experienced the cutting edge of the Geddes economy axe. Mr. Butler's Act of 1944, if examined closely, will be seen to be no more than an attempt—and a very successful one—to revive and establish educational reforms already agreed in 1918. In 1944, as in 1918, educationalists hoped that a national unity brought about by the stress of war could be exploited to the advantage of education, a subject which in normal times excites little enthusiasm in Parliament.

It is interesting to note that during the Committee Stage of the Fisher Bill, an Amendment proposing equal pay for the sexes in the teaching profession was lost by 93 votes to 25. During the debate on the Butler Act, a similar Amendment was carried by 101 to 100. I recollect that Messrs. Attlee and Morrison (then Members of the National Government) explained to me, as we stood at the bar of the House waiting to pass through the division lobbies, how terrible it was to vote (as I intended) against His Majesty's Government, then conducting a world war. After the division, those of us who had composed the 101 were declared by the Prime Minister (Mr. Churchill) to have dealt a grave blow at the prestige of the Government and that it would be interpreted abroad amongst friends and foes alike as a sign that the National Government had forfeited the confidence of a substantial portion of the Commons. Indeed, Mr. Churchill came down to the House a few days later with a formidable speech which, to his visible annoyance, he was prevented from delivering by the rules of procedure, of which his best friends must admit he is not a master.

The episode is interesting because it illustrates the power of the party machine. It is true that there were technical reasons why an Amendment to the Education Act was not a suitable method of establishing the principle of equal pay for equal work, but the notion that if the 101 had remained firm and not eaten their words, Mr. Churchill would have gone to the King and asked for a dissolution is, of course, fantastic. At that time he could have got a vote of confidence on the conduct of the war by 500 votes to 3 any day of the week.

As a biography, Mr. Ogg's study of Fisher is a disappointment. Fisher was an interesting personality and in a sense the last of the Gladstonian Liberals. Mr. Ogg appears to have access to diaries and letters, but we learn nothing new and are merely given a pedestrian record of a moderately distinguished career. Fisher had the right ideas, but his life was largely lived during an age when the reasonable and liberal man was being increasingly squeezed between violent extremes. The world is still full of Fishers, but they are disorganized and helpless. Whether Fisher, the historian and "reasonable politician", appreciated

this fact and what he thought about it, does not emerge from this biography. His last published words are worthy of quotation. In February, 1940, he wrote: "For we Europeans are more of a piece than the political fanatics would have us believe, and there are things less likely than that France and Britain will at last find a *modus vivendi* with the Germans and Italians who have helped with them to build up the fabric of European civilization."

*The Diary of Henry Hobhouse* is a book which I commend most warmly to members of the Hansard Society. It covers the period 1820-1827, during which Hobhouse was Under-Secretary of State for the Home Department. The general reader will find in this volume a most entertaining behind-the-scenes account of the relationships between George IV and His Ministers, and student and casual reader alike will emerge from a journey through this volume with (in most cases) a more accurate picture of the growth of the Cabinet system and the rise of political parties than is usually presented. The fact is clearly shown in this book that not much more than 100 years ago, the personal influence and practical power of the King was at least equal, and sometimes superior, to that of Ministers. "Political parties" were still very much in the embryo stage.

A careful study of this amusing and instructive book will dispel the illusion that the political parties as at present organized are particularly ancient or indeed respectable bulwarks of the Constitution. They arose to fill a need, which was the need of transferring effective power from the King to the Cabinet. The parties, having become very powerful, are now in at least one case being themselves assaulted by other organized groups. Where is the centre of gravity of real power to-day? Is it in the Cabinet? Or the T.U.C. (itself feeling the Communist fang in its vitals)? Or should we seek for it amongst the hierarchy of the Civil Service, a body which is threatened by its rivals, the bureaucracy and rulers of the public Boards, such as the National Coal Board?

Few will deny that this centre of gravity is not to be found, except perhaps in times of great emergency, amongst the back-bench Members of the House of Commons. How can it be restored to the Commons whose historic function is not to make laws but to prevent the Executive wherever that may be found from restricting individual liberty more than is clearly required for the good order, prosperity and happiness of His Majesty's subjects?

These are questions which will present themselves to an increasing extent for consideration by the minds of all responsible citizens. The Hobhouse diary is an admirable introduction to this important subject.

S.

#### **Some Proposals for Constitutional Reform**, being the Recommendations of a Group of Conservatives. Eyre and Spottiswoode. 7s. 6d.\*

This report is the fruit of two years' study, prior to the last General Election, by a group of Conservatives under the chairmanship of the Rt. Hon. Sir Cuthbert Headlam, Bart., M.P. It contains, besides fully reasoned proposals for reform, a valuable analysis of the working of the major part of our political and governmental system. The presentation is

\* Editorial Note. Although this book was published in 1946, it concerns several questions of such immediate interest that we have decided to deal with it at some length.

attractive, the style is balanced and yet pungent, and the treatment as a whole is commendably free from party politics, though not from party bias. The systematic treatment of the various parts of the Constitution is preceded by an introduction analysing and expounding the general principles considered essential to it, and followed by an examination of some problems which the needs of the present age have made especially urgent. The principal recommendations are brought together in an Appendix.

Government is neither stable nor democratic if it depends upon bargaining between groups in an assembly. We owe it to our electoral system, with its preponderance of single-member constituencies, that in this country the struggle for political power is usually between two large parties. This system is vigorously defended in the report, and all Liberals should read the lucid analysis of the consequences of alternative methods.

But what of democracy *within* the parties? Two vital issues arise—the relationship of the rank and file to the leaders, particularly when these are in power; and the relationship of the party as a whole to organized interests, both outside it and within.

The report approaches the first issue with caution. On the one hand, it is insisted that Ministers must be free from pressure by their majority, free to adopt and support the policy they believe in; on the other, approval is expressed that unofficial party committees of private members have by their influence led to considerable changes in Ministers' proposals. This latent contradiction reflects the dilemma of combining efficient government with democratic control; the man in office has a different outlook from the ardent reformer unfettered by responsibility. Neither view-point is complete in itself. The solution surely lies, not in giving to either more control over the other, but in seeking to provide ways in which each can make the other appreciate his position.

The authors of the report propose, indeed, various devices to make the views of private members felt. But in the other direction, with the significant exception of foreign affairs, they make no suggestion. They even propose review of the position of departmental Public Relations Officers on the ground that these officials may give the Government undue influence on public opinion. It is worth noting that a recent PEP broadsheet asserts that if any democratic planning is to succeed, the Government must not only enjoy close liaison with the independent media of public information, in order to convey its policy to them and through them, but also possess its own means of access to the public.

This desire to protect Ministers from a zealous majority, and yet to hinder the Government putting its point of view before the people, clearly springs, it may be unconsciously, from the belief that "il ne faut pas trop gouverner". For both provisions weight the scales in favour of the *status quo*. Yet surely there are times when great changes are demanded, and can only be carried through if, first, administrative inertia can be overcome, and, secondly, the facts can be laid before the people.

With regard to the second issue, that of "pressure groups", the report does little more than point out the danger and suggest that the Labour Party is more susceptible to extra-parliamentary interference than the Conservative Party. Nevertheless current trends—the tighter organization and increasing power of economic interests—present a constitutional

issue of the gravest moment which affects both the great parties alike. It is increasingly difficult to govern with an eye only on the centres of power represented at Westminster. No Government, whatever its complexion, can afford to displease organized labour, particularly in the key industries; on the other side, steel interests might threaten non-co-operation in the face of nationalization, or the B.M.A. attempt to mobilize more than the voice of reason against the Health Service. This is not to say that Government must not seek to consult, and gain the consent of, those affected by its measures; but merely that it is vital for democracy that the *final* discussions and decisions should take place through constitutional channels and in the parliamentary arena. It is for such reasons as this that the national interest, too, should have, if not a megaphone, at least a voice.

Nevertheless, Parliament remains sovereign, and the principal threat to its position comes, not from without, but from within. All modern legislatures are, in Professor Finer's words, not just busy but "pathologically congested". Hence the delegation of powers which the authors of the report agree to be as necessary as is proper control over them. Apart from this they propose three principal time-savers.

The first is preliminary discussion, in Select Committee, before legislation is finally drafted, between Ministers and Civil Servants on the one hand, and M.P.s of all parties on the other. This would not in any way diminish the full responsibility of the Government for the final draft, but it would let Ministers know something of the reaction of M.P.s of all opinions, and enable them to frame their Bills with this in mind. Thus, it is argued, the passage of a Bill through Parliament would be materially eased.

There are, however, several arguments against this scheme in spite of its obvious merits in certain cases. To begin with, it takes up M.P.s' time which may well offset much of the saving later. Further, the authors themselves admit that it would be impracticable, except in connection with non-party measures, and what few there are of these do not take up a lion's share of the parliamentary programme. Finally, the subject-matter of most legislation is hammered out pretty thoroughly beforehand as it is—in the press, through consultations with interests and experts, and even, in many cases, through special committees of enquiry.

The second proposal to save time is that greater use should be made of House of Commons Standing Committees. This has, in fact, been done since the report was prepared. An even greater use of the Committee system has been proposed by the Clerk of the House, but the Select Committee on Procedure rejected his scheme, and it is very doubtful whether this line of attack can be pushed farther.

The third proposal ("the most hopeful course of action" in the authors' opinion) is to "reform the House of Lords and to increase its share of legislation." The discussion of the function and possible forms of a second Chamber is admirable, but the proposals themselves are a curious half-way house. The admission of women and the creation of life peerages are suggested, but no abolition of the hereditary peerage. Instead, the suggestion is made that peers who have succeeded to their titles should have to qualify for admission by some sort of public service. The proposed qualifications are, however, absurdly arbitrary, and no justification is offered for holders of hereditary peerages being different from other people in the matter of admission to the new Upper House.

Passing over the discussion of the executive, which follows now familiar lines, we come to the final section of the report, a discussion of the Constitution in relation to two spheres of government activity. The first is Defence and Foreign Policy. It is claimed, first, that the Service Departments are too weakly organized to press their claims against the Treasury, and secondly, that defence policy should be above party politics. Their justification of the first claim depends upon the authors' own analysis of the inter-war period, in which nearly all our troubles are attributed to the failure to rearm. Even if this were true, it does not provide a basis for future planning.

In connexion with the second claim, they discuss how to associate the Opposition with measures which demand continuity of policy and may be based upon secret information. They propose that Opposition leaders should be members of a sub-committee of the Committee of Imperial Defence, which should prepare an annual report on Defence Policy, endorsed, if possible, by the Opposition leaders. There is certainly a real and unsolved problem here, but it is not confined to the sphere of Defence and Foreign Policy, and it is doubtful whether it can be solved by any institutional expedient. In all spheres policy demands a certain amount of continuity and may be based upon information of which the revelation would do more harm than good, though this is not to say that party principles should count for nothing, nor that unusual frankness would not often do more good than harm. Certainly measures of defence should not be made the subject of purely partisan recriminations unaccompanied by the suggestion of a constructive alternative; but neither should any measures, and the Constitution, by making the Opposition front bench liable to have office thrust upon it, does go some way to ensure that irresponsibility does not mar its utterances. Finally, to revert to the device proposed, there seems to be a real danger that agreement between the leaders of the two great parties, based on information withheld from the general public, might lead the nation blindfold down a path it would not wish to have trod. Party controversy has its uses and we should not lightheartedly do away with it.

The second sphere of government activity discussed is Economic Policy. Less interest attaches to this discussion, however, partly because the authors' hands are tied by the fact that they do not discuss what sort of economic policy is to be followed, and partly because the march of events has centred interest, not on the organization for collecting information and advice, of which there is already plenty, but on the organization for making decisions and getting them put into practice.

No mention is made of Commonwealth Relations, nor yet of the position of the Monarchy. Nevertheless this report is a reasonably complete examination of the working of the Constitution, and in particular of the points at which it must be adapted to meet present-day needs. That so few of the adaptations have so far been made is no doubt to be attributed to the fact that at the moment the need to alter our social and economic framework is even greater than the need to alter our constitutional framework. But we must not wait too long, for the continuity of our tradition and the flexibility of our Constitution depend, as they have always depended, upon adapting—in time. We must lift our feet when we do come to stiles, otherwise we shall bark our shins and be induced to try other methods of locomotion.      W. G. McClelland.

**The Government of Mankind.** By J. A. Spender. Cassell. 12s. 6d.

**The Web of Government.** By R. M. MacIver. Macmillan. 21s.

**Thoughts on the Constitution.** By the Rt. Hon. L. S. Amery. Cumberlege. 8s. 6d.

**English Constitutional History.** By Thomas Pitt Taswell-Langmead. Revised by Theodore F. T. Plucknett. Sweet & Maxwell 30s.

**Constitutional Law.** By A. Berriedale Keith. Stevens. 30s.

Is government an art or a science? It is refreshing to know that, after a period during which the science of government has had its ardent advocates, there should be a return to the earlier emphasis on the art of government. This is the main theme of J. A. Spender's book, now reprinted, and at least a by-product of Professor MacIver's. Spender writes in his Preface: "If there is any conclusion to which this study tends, it is that government is an art and not a science, an art of a highly experimental kind, probably in its infancy and proceeding by trial and error to ends which it is impossible to foresee." MacIver also rejects the view "that there is a systematic body of knowledge already in existence or awaiting development, that can serve as a guide to the statesman, a science of how to govern", and he concludes that "we should then be content to think of government rather as an art than as a science."

There are many striking similarities between these two books. Several chapters are almost interchangeable. Both authors have strong words to say on the use of force, as epitomized in the institution of war, for changing governments and constitutions. MacIver remarks that recent scientific advances have removed "the last rationality of the ancient business of making war". Spender writes: "I believe violence to be the worst way of propagating or suppressing ideas."

Yet the two authors approach the same subject from very different angles. This is illustrated by the fact that Spender, writing of Machiavelli, says that he launched the idea that government proceeds on "principles which actually invert those of private life" and ignore moral standards. MacIver, more pragmatically, remarks that "many who have followed Machiavelli's precepts have ended in disaster".

Both Spender and MacIver discuss the growth of Marxism, Fascism, and Nazism, and it is a tribute to Spender's insight that MacIver finds nothing to say on the subject that Spender had not already said ten years earlier. Both writers emphasize the resemblance between the Marxist system on the one hand and the Fascist and Nazi systems on the other—the toleration of only one party, the persecution or liquidation of political opponents, the secret police, the controlled press, the opportunist foreign policy. Both writers also draw attention to the important differences—the international nature of Marxism and the narrowly nationalistic nature of Fascism and Nazism, the fact that the Marxist régime in Russia was imposed by a few ruthless but clear-sighted demagogues, whereas Fascism and Nazism were launched on the two-fold basis of deliverance from Communism and the remedying of the unjust Versailles Treaty. The reader is reminded that on one matter the adherents of all three ideologies united, the detestation of the decadent form of government known as parliamentary democracy.

The English reader should be warned that Professor MacIver is

writing primarily for Americans. Some words, such as "valuational", are not in common use on this side of the Atlantic. The word "socialized" is used to mean "made conscious of social responsibilities." Hindus is used indiscriminately to mean either "inhabitants of the continent of India" or "adherents of the Hindu religion." The reference to the "anti-discrimination measures" of the New York State legislature (p. 11) means "measures to prevent racial discrimination": to the Englishman "discrimination" is to-day concerned with trade and finance. There are several inexplicable mistakes of which one example must suffice. It is extraordinary that Professor MacIver (who received his education in the British Isles) should write in a book published in 1947 that Egypt and Iraq are "parts of the British Empire" (p. 172).

One of the most valuable parts of MacIver's book is his ingenious table for classifying forms of government. This should save the student from many an over-hasty generalization.

Spender's profoundly important book is curiously named. It is not concerned, as its title implies, with the various forms of government adopted by mankind so much as with the evolution of government in the West. There is almost no reference to the evolution of government in India and China although, as MacIver points out, Chinese, Indians and others "wrote many ancient volumes . . . about the nature of government."

Spender discusses a problem which has puzzled philosophers since the time of Aristotle: can a democracy govern an Empire? No definite answer is given, but the fact that the question is referred to three times in different parts of the book shows the importance which Spender attached to the problem.

He was a devoted believer in the British form of parliamentary democracy. He points out that the British constitution developed without pattern or plan "by a series of accidents". This is contrasted with the U.S. constitution which was specifically designed to prevent rash and hurried changes. The framers "so effectively tied it up as to block the road to what in other countries is called progressive legislation". The fact is that most modern nations conduct the business of government by means of a fixed constitution which can only be amended by a lengthy and complicated process. In more than 150 years, there have been only twenty-one amendments to the U.S. constitution: ten of them formed the Bill of Rights passed in 1791, and of the remaining eleven, one (the twenty-first) cancelled an earlier one (the eighteenth). It must, however, be observed that written constitutions can be changed by fresh "interpretations".

It is the genius of the British to avoid the rigidity of a written constitution and to have instead one composed largely of successful precedents which can be altered or rejected without undue fuss to meet changed circumstances. Many of the most interesting features of the British constitution have no statutory basis. The office of Prime Minister was not known to law until 1905. The first statutory reference to the Cabinet was in the *Ministers of the Crown Act*, 1937, and was of a most casual nature.

Mr. Amery, in his Chichele Lectures, emphasizes this elasticity of the British constitution. From a wealth of personal experience he relates how our constitutional methods have been evolving in his own lifetime. His interesting proposals for further changes are outlined in the chapter with the significant title, "How to Preserve Parliamentary

Government". Some of these proposals are already familiar to students of government; others are more novel. The most interesting proposals include the second reading of Bills in both Houses before the committee stage; the setting up of parliamentary committees of members interested in special subjects, presided over by the Ministers concerned; the possible extension of Proportional Representation to the larger cities; the production of *Hansard* "as a penny daily paper or as an attractively got up weekly"; the broadcasting of Parliament; increased devolution to local authorities; the creation of life peers, increasing in number with the passing of years; the setting up of a third Chamber on a functional basis to deal with economic matters, similar in character to the French *Conseil Economique*; and a small Cabinet whose members would be free of departmental responsibility. All these proposals deserve careful consideration.

Mr. Amery correctly states that the office of Prime Minister had no statutory existence until the creation of the Chequers Trust in 1917. It is, however, worth noting that the office was recognized by law in 1905 when, by Royal Warrant of 2nd December, the holder of the office was given precedence next after the Archbishop of York. There is a curious reference on page 6 to the "hypothetical case of a majority using the Parliament Act in order to prolong its own life for purely partisan purposes". The Parliament Act provides that "five years shall be substituted for seven years as the time fixed for the maximum duration of Parliament", but Bills to extend the maximum duration of Parliament beyond five years are expressly excluded in the Act from those matters over which the powers of the House of Lords were restricted. The prolonging of Parliament beyond its statutory term during the two world wars was accomplished by annual renewal Acts. I understand that this point will be made clear in later editions.

The fascinating story of the evolution of the British constitution is told in *Taswell-Langmead's Constitutional History*. First issued in 1875, this standard work now appears in a revised and enlarged tenth edition, edited by Professor Theodore F. T. Plucknett. It starts with the *Witenagemot* of the Anglo-Saxon period and goes up to the *Family Allowances Act, 1945*.

The student who approaches the study of constitutional history with a typical matriculation background probably has a number of misconceptions to be swept away. He no doubt imagines, for instance, that the *Magna Carta* was a novel and democratic document bestowed by a benevolent monarch on his grateful subjects. He will learn from *Taswell-Langmead* the facts of this interesting incident: that the Charter contained no new principles but merely re-stated the principles which the nobility thought had traditionally governed the relationship of king and people; that John signed it under duress; and that he did all he could to evade the terms of the Charter after he had signed it, including an attempt to secure papal support (the Pope did, in fact, declare the Charter void, excommunicate the barons, and suspend Archbishop Langton). The view of Stubbs, Jolliffe and others, that clause 61 empowered the twenty barons to make war on the king in the event of a violation of the Charter, is rejected.

It is not surprising that the same system of government should have evolved independently in different parts of the world. Thus there are

very marked similarities between the hundred (or *wapentake*) and *friborh* (or frankpledge) system of pre-Norman administration and the *Pao-Chia* system which is a feature of contemporary China. Here is a subject which requires further research.

There is an important last chapter on "British Rule beyond the Seas". The interesting and unique development of the British Commonwealth, a matter to which Mr. Amery devotes a good deal of attention in his *Thoughts on the Constitution*, is all too briefly surveyed. Two points in this chapter deserve comment. It should, perhaps, be mentioned that the famous Report which bears the name of Lord Durham was, in fact, almost entirely the work of Gibbon Wakefield. It is misleading to say that the Governor-General of India was "also called Viceroy". It is true that the offices of Governor-General and Viceroy of India during the period August 1858 to August 1947 were filled by one person, but the functions of the two offices were not the same. There are a few minor errors. The last occasion on which the royal veto was exercised is given as 1708 on page 521, and correctly as 1707 on page 717.

Students of our constitution will welcome the appearance of a reprint of Professor A. Berriedale Keith's *Constitutional Law*. Formerly known as *Ridge's Constitutional Law of England*, this standard and authoritative work should be on the shelves not only of scholars, but of all who believe in and want to understand the evolution of British parliamentary democracy. Almost half of this volume deals with the British Empire, supplementing the more sketchy treatment in *Taswell-Langmead*. It is unfortunate that this latest edition was not revised and brought up to date. There have been many important constitutional developments since June, 1939.

S.D.B.

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Most of us dissipate our energies by trying to do too much, but there still are men and women who dedicate their lives to a single cause. Their contemporaries criticize them as cranks; those of later generations admire them as pioneers. Such a person was William Willett. His daylight-saving scheme was derided during his life-time, but was introduced in 1916, the year after his death.

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I commend this review to readers of *Parliamentary Affairs*. It contains a variety of articles for the general reader, a useful monthly survey of the work of the House of Commons, and is attractively illustrated. Any publication which helps the man-in-the-street and his wife to understand the nature of our system of government is an ally of the Hansard Society and is to be welcomed.

S.D.B.

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